



## Legislation Details (With Text)

**File #:** 20-1018      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 11/30/2020      **In control:** City Commission  
**On agenda:** 1/5/2021      **Final action:** 1/5/2021  
**Title:** RESOLUTION NO. 25-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(b)(4) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE SPECIAL LANDSCAPE SETBACK ON THE SOUTH SIDE OF LINTON BOULEVARD FOR THE PROPERTY LOCATED AT 1200 W. LINTON BOULEVARD AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

RESOLUTION NO. 26-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.7(E)(3)(a) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE SETBACK FOR THE EXISTING FREE STANDING SIGN TO BE IN THE SPECIAL LANDSCAPE SETBACK AT 0.56 FEET WHERE 10 FEET IS REQUIRED, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Res. No. 25-21 Special Landscape Waiver, 3. Exhibit A Resolution No. 25-21, 4. Res No. 26-21 Sign Waiver, 5. Exhibit A Resolution No. 26-21, 6. 1200 W Linton Survey, 7. Justification Statement, 8. Legal Review Reso 25-21, 9. Legal Review Reso 26-21

Date	Ver.	Action By	Action	Result
1/5/2021	1	City Commission	approved	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** January 5, 2021

RESOLUTION NO. 25-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(b)(4) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE SPECIAL LANDSCAPE SETBACK ON THE SOUTH SIDE OF LINTON BOULEVARD FOR THE PROPERTY LOCATED AT 1200 W. LINTON BOULEVARD AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

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**Recommended Action:**

Review and consider Resolution No. 25-21, granting a waiver to the special landscape setback in section 4.3.4(H)(6)(b)(4) of the Land Development Regulations at 1200 W. Linton Boulevard.

Review and consider Resolution No. 26-21, granting a waiver to the setback requirements in section 4.6.7(E)(3)(a) of the Land Development Regulations at 1200 W. Linton Boulevard.

**Background:**

The request is for two waivers for the property located at 1200 W. Linton Boulevard:

1. To reduce the required setback requirements of the existing monument sign to 0.56 feet where 10 feet is required, and
2. To reduce the required 30-foot landscape setback to 10.78 feet on the west side of the property and to 22.81 feet on the east side of the property.

Both reduction requests are a result of the Florida Department of Transportation (FDOT) taking additional right-of-way from the property. The property is zoned Planned Commercial (PC) and currently has a Target store. The monument sign is existing and is not proposed to be moved. The property is required to provide a special landscape setback to provide for additional greenery along the corridor. The reduction of the special landscape setback and the sign setback is a result of an action by FDOT to claim eminent domain to acquire private property to assist in roadway improvements that have a public safety factor associated with the efficiency of turning movements, signal lighting timing, and the geometry of westbound Linton Boulevard. The applicant has elected to request the waivers to the landscape and sign setback impacted by the FDOT taking in lieu of the site and the respective condition being considered a legal, nonconformity. The waivers, if approved, would apply to the property for any future modifications, which are not considered redevelopment (impacting of more than 25%).

Pursuant to LDR Section 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 right-of-way dedication to FDOT was taken to provide improvements and relief to an increasingly busy and heavily traveled area. The reduction in the landscape area and the sign area is necessary to improve the roadway in the area. The resulting physical condition does not pose safety issues, as a 5' wide sidewalk is located between the travel lanes and the sign, providing a safe distance from vehicles on Linton Boulevard. The position of the sign will not impede sight visibility. In addition, minor landscaping will be disrupted for the changes. The waiver does not result in a special privilege as this is the third request on Linton Boulevard. On February 5, 2019, the City Commission approved a similar request at Delray Crossings and Home Goods and on March 3, 2020 a request to reduce the special landscape and sign setback was approved for Wells Fargo at 1660 S. Congress Avenue.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A