



## Legislation Details (With Text)

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**File created:** 5/19/2022      **In control:** City Commission  
**On agenda:** 6/14/2022      **Final action:** 12/31/2023  
**Title:** RESOLUTION NO. 89-22: 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 A 9.9-FOOT SPECIAL LANDSCAPE BUFFER WHERE A 20-FOOT BUFFER IS REQUIRED, FOR THE PROPERTY LOCATED AT 1800 SOUTH FEDERAL HIGHWAY, 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. Resolution No. 89-22, 3. Chick-fil-A Site Plan, 4. Chick-fil-A Landscape Plan, 5. Applicant Justification Statement, 6. Legal Review Resolution No. 89-22

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, City Manager  
**DATE:** June 14, 2022

RESOLUTION NO. 89-22: 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 A 9.9-FOOT SPECIAL LANDSCAPE BUFFER WHERE A 20-FOOT BUFFER IS REQUIRED, FOR THE PROPERTY LOCATED AT 1800 SOUTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 89-22.

### **Background:**

The subject site is zoned Planned Commercial (PC). The 0.82 acre parcel is located at 1800 South Federal Highway, which is situated at the southwest corner of East Linton Boulevard and South Federal Highway.

The applicant has submitted a Class II Site plan application (2022-036) which includes modifications to the existing drive-thru operation serving the existing 3,300 square foot fast food restaurant. Currently two-way circulation is accessed from Linton Boulevard to the property through the adjacent SunTrust Bank (approved as part of the original development proposal). Two-way circulation is also accessed into the drive-thru entrance from Federal Highway.

The modifications consist of turning the circulation into a one-way drive aisle and establishing a bypass lane for the drive-thru. The modifications are proposed to address the congestion from the drive-thru that currently backs out onto Federal Highway during peak business hours and to provide a more efficient vehicular circulation plan. The proposed layout will shift the entry to the drive-thru closer to Federal Highway; however, vehicles will be required to circulate around the entire building before entering the drive-thru. This reconfiguration will lengthen the queuing lanes on the site. Permanent bollards and a traffic diverter will be installed at the driveway throat to ensure that cars properly circulate the site and cannot attempt to bypass the stacked vehicles.

No modifications are proposed to the access drives from either roadway. 24 parking spaces exist on site and 24 spaces are provided in the modified configuration.

Section 4.3.4(H)(6)(b)(4) requires that a special landscape area shall be provided along Linton Boulevard, from A-1-A to the western City limits. This landscape area shall be the smaller distance of either 30 feet or 10% of the average depth of the property; however, in no case shall the landscape area be less than 10 feet. The applicant is proposing a 9.9 foot wide special landscape buffer along the north property line, which fronts Linton Boulevard where a 20-foot landscaping buffer would be required. As such, the applicant is requesting a waiver from Section 4.3.4(H)(6)(b)(4).

Pursuant to LDR Section 4.4.13 (K)(5)(a), "Section 2.4.7(B)(1)(a) authorizes the waiver of certain regulations irrespective of a property's zoning district. The development proposal includes the following waiver request, which require City Commission action prior to consideration of the Class II Site Plan application by the Site Plan Review and Appearance Board (SPRAB):

**Required Waiver Findings LDR Section 2.4.7(B)(5)**

- 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.
- 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 applicant's justification statement for the requested waiver is attached. If approved, the waiver is not anticipated to adversely affect the neighboring area; the application includes a consent form from the SunTrust Bank. The existing conditions on site are creating an unsafe situation when cars stack out onto Federal Highway and the purpose of this application is to reconfigure the site to address that unsafe situation. The drive aisle is proposed to be reconfigured to allow for a larger stacking area, which requires the parking spaces that front Linton Blvd. to be shifted closer to the street, reducing the special landscape buffer area. Public facilities will not be diminished as a result of the request as the waiver does not directly affect the public rights-of-way. The applicant will not receive a special privilege as accommodations such as reduced landscape islands have been approved by the city when necessary to create safer situations.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Final action on the Site Plan application cannot occur until the waiver requests are heard.