



Legislation Text

File #: 17-429, Version: 1

TO: Mayor and Commissioners
FROM: Timothy R. Stillings, Planning, Zoning and Building Director
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: June 6, 2017

REQUEST FOR A WAIVER OF LDR SECTION 4.6.14(B)(6) TO REDUCE THE SIGHT VISIBILITY TRIANGLE FROM 40' X 40' ON THE SOUTH PARCEL OF PALM TRAIL AND MCKEE LANE AND THE NORTH PARCEL OF PALM TRAIL AND WITHERSPOON LANE TO 25' X 25'. (QUASI-JUDICIAL HEARING)

Recommended Action:

Motion to Approve the waiver request to LDR Section 4.6.14(B)(6) to reduce the sight visibility triangle from 40' x 40' on the south parcel of Palm Trail and McKee Lane and the north parcel of Palm Trail and Witherspoon Lane to 25' x 25'.

Background:

On April 12, 2017, the Site Plan Review and Appearance Board approved a Class V Site Plan Modification, Landscape Plan and Architectural Elevations for the development proposal which consists of the construction of two three-story townhome buildings with two car garages. There are five units on two separate parcels. The site plan was approved conditioned on the approval of the sight visibility waiver.

Pursuant to LDR Section 4.6.14(B)(6), the area of property located at a corner formed by the intersection of two or more public rights of way with two sides of the triangular area being 40' in length along the abutting public right of way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines. This area is defined as the visibility triangle. The objective of these requirements is to provide sufficient view corridors for safe interaction of vehicles and pedestrians at intersections. All Departments including Police, Fire, and Engineering reviewed the waiver request and did not have any issues.

The applicant is requesting relief on the south parcel of Palm Trail and McKee Lane and the north parcel of Palm Trail and Witherspoon Lane, therefore requiring a waiver to LDR Section 4.6.14(B)(6).

Waiver Analysis:

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding 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 not adversely affect the neighboring area, diminish the provision of public facilities and is not creating an unsafe situation. The elimination of the 40' x 40' sight visibility triangle on both corners will not negatively affect traffic flow, nor present a danger to vehicular traffic or pedestrians. The property is zoned RM and is adjacent to R-1-A and RL which is not highly traveled. This waiver would also be supported under similar circumstances and therefore will not result in the granting of a special privilege. Subsequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made.

At its meeting of April 12, 2017, the Site Plan Review And Appearance Board approved (6-0) the recommendation to the City Commission regarding the waiver request to LDR section 4.6.14(B)(6), Sight Visibility, to reduce the sight visibility from 40' x 40' on the south parcel of Palm Trail and McKee Lane and the north parcel of Palm Trail and Witherspoon Lane to 25' x 25'.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

N/A

Timing of Request:

N/A