

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

WAIVER REQUESTS FOR ATLANTIC CROSSING

LOCATED BETWEEN NE 6TH AVENUE (FEDERAL HIGHWAY) AND VETERANS PARK AND BETWEEN ATLANTIC AVENUE AND NE 1ST STREET, ALONG WITH THE PARKING LOT AT THE NORTHEAST CORNER OF NE 1ST STREET AND NE 7TH AVENUE.

1. These waiver requests came before the City Commission on March 1, 2017

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver requests for Atlantic Crossing located between NE 6th Avenue (Federal Highway) and Veterans Park and between Atlantic Avenue and NE 1st Street, along with the parking lot at the northeast corner of NE 1st Street and NE 7th Avenue. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsection I.

I. WAIVER: 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.

1. A waiver to LDR Section 5.3.1(D)(2), which requires a minimum right-of-way width of 60 feet for the new east/west road between NE 6th Avenue and NE 7th Avenue where 30 feet is proposed.

Should the waiver to reduce the right-of-way width from 60 feet to 30 feet be granted?

Yes _____ No _____

2. A waiver to LDR Section 6.1.3(B)(1)(f), which requires an 8-foot wide sidewalk, whereas 6 feet is proposed along the north side of the new east/west road between NE 6th Avenue and NE 7th Avenue.

Should the waiver to reduce the sidewalk width from 8 feet to 6 feet be granted?

Yes _____ No _____

3. A waiver to LDR Section 4.4.13(F)(4), which requires minimum and maximum building setbacks for the buildings and frontages along the new east/west road between NE 6th Avenue and NE 7th Avenue.

Should the waiver to building setbacks along the new connecting road between SE 6th Avenue and SE 7th Avenue be granted?

Yes _____ No _____

4. A waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum wall transparency on the ground floor of 75%, whereas 37.5% is proposed, for the building on the south side of the new east/west road between NE 6th Avenue and NE 7th Avenue.

Should the waiver to reduce the ground floor wall transparency from 75% to 37.5% be granted?

Yes _____ No _____

3. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original development application was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan.

5. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained

in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

6. Based on the entire record before it, the City Commission approves _____ denies _____ this waiver request to LDR Section LDR Section 5.3.1(D)(2).

7. Based on the entire record before it, the City Commission approves _____ denies _____ this waiver request to LDR Section 6.1.3(B)(1)(f).

8. Based on the entire record before it, the City Commission approves _____ denies _____ this waiver request to LDR Section 4.4.13(F)(4).

9. Based on the entire record before it, the City Commission approves _____ denies _____ this waiver request to LDR Section 4.6.18(B)(14)(iv)(2).

10. Based on the entire record before it, the City Commission hereby adopts this Order this March 1, 2017, by a vote of _____ in favor and _____ opposed.

11. This order shall become effective upon approval of 1) the site plan modification associated with these waiver requests; and 2) execution by all parties of a settlement agreement in the case styled Edwards CDS, LLC v. City of Delray Beach, 2015 CA 007155.

ATTEST:

Cary D. Glickstein, Mayor

Kimberly Wynn, Acting City Clerk

Approved as to legal form
And sufficiency:

City Attorney

Department Head:

Timothy Stillings, Director of Planning, Zoning and Building