

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 UPTOWN ATLANTIC  
SOUTH OF ATLANTIC AVENUE BETWEEN SW 6 AVENUE AND SW 9<sup>TH</sup> AVENUE**

1. This waiver request came before the City Commission on April 19, 2016
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for Uptown Atlantic located on the south side of Atlantic Avenue, between SW 6<sup>th</sup> Avenue and SW 9<sup>th</sup> 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.

A. Waivers

1. A waiver to LDR Section 4.4.13(F)(4)(b)(2), which requires setbacks for the upper level building setback for that portion of a building above 37 feet.

**Should the waiver for the upper level building setback for that portion of a building above 37 feet be granted?**

**Yes \_\_\_\_\_ No \_\_\_\_\_**

2. A waiver to LDR Section 4.4.13(F)(4)(c)(1), which requires setbacks for the lower levels of the buildings along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue.

**Should the waiver for the lower levels of the buildings along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup>, and SW 9<sup>th</sup> Avenue be granted?**

Yes \_\_\_\_\_ No \_\_\_\_\_

3. At its meeting of December 9, 2015, the Site Plan Review and Appearance Board considered this waiver request and voted 5 to 0 to recommend approval of the waivers, based upon positive findings with LDR Section 2.4.7(B)(5).

4. 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 4.4.13(F)(4)(b)(2).

7. Based on the entire record before it, the City Commission approves \_\_\_\_\_ denies \_\_\_\_\_ this waiver request to LDR Section 4.4.13(F)(4)(c)(1).

8. Based on the entire record before it, the City Commission hereby adopts this Order this April 19, 2016, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

ATTEST:

\_\_\_\_\_  
Cary D. Glickstein, Mayor

---

Chevelle Nubin, City Clerk

Approved as to legal form  
And sufficiency:

---

City Attorney

Department Head:

---

Timothy Stillings, Director of Planning & Zoning