

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 REQUEST FOR SAMAR MIXED-USE

1. This waiver request came before the City Commission on **October 6, 2015**.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for the **Samar Mixed-Use** development. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsection I.

I. WAIVERS: 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. Waiver to LDR Section 4.4.13 (D)(2)(a)(2)

Pursuant to LDR Section 4.4.13(D)(2)(a)(2), the minimum rear setback is 10 feet. The applicant is requesting that the rear setback requirement be reduced from 10 feet to 5 feet along the alley.

- 1. Should the waiver to Section 4.4.13(D)(2)(a)(2), allowing a rear setback of 5 feet along the alley be granted?**

Yes X No

3. At its meeting of **July 22, 2015**, the Site Plan Review and Appearance Board considered this waiver request and voted **6 to 0** to recommend approval of the waiver, based upon positive findings.

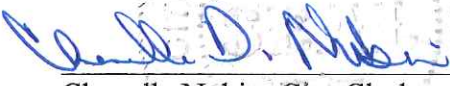
4. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original development application was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan.

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 X denies this waiver request.

7. Based on the entire record before it, the City Commission hereby adopts this Order this 6th day of October 2015, by a vote of 3 in favor and 2 opposed.

ATTEST:


Chevelle Nubin, City Clerk


Cary D. Glickstein, Mayor

Approved as to legal form
And sufficiency:


City Attorney

Department Head:

 10/21/15
Timothy Stillings, Director of Planning & Zoning