

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
ROK BRGR, 4 E. Atlantic Avenue**

1. This waiver request came before the City Commission on May 16, 2017.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for ROK BRGR. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsections 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 4.6.7(E)(7)

Pursuant to LDR Section 4.6.7(E)(7), Design Standard Matrix, is subject to the following standard one wall sign facing a dedicated street frontage is permitted. The applicant is requesting a wall sign on the east elevation which faces interior to an outdoor patio.

1. Should the waiver to Section 4.6.7(E)(7) to allow a wall sign to face interior to an outdoor patio 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.

4. 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.

5. Based on the entire record before it, the City Commission approves _____ denies _____ this waiver request.

6. Based on the entire record before it, the City Commission hereby adopts this Order this 16th day of May, 2017, by a vote of _____ in favor and _____ opposed.

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