

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
912 Palm Trail**

1. This waiver request came before the City Commission on June 6, 2017.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for 912 Palm Trail. 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 4.6.14(B)(6)

Pursuant to LDR Section 4.6.14(B)(6), Sight Visibility (other intersections), is subject to the following standard 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 forty feet in length along the abutting public right-of-way lines, measured from point of intersection, and the third side being a line connecting the ends of the other two lines.

- 1. Should the waiver to 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' 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.

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 6th day of June, 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