

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

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

1. An appeal of the Site Plan Review and Appearance Board (SPRAB) approval for property located at 47 Southeast 5th Avenue (File Number 2016-209) has come before the City Commission on July 5, 2017. On April 26, 2017, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan Modification, Landscape Plan, Architectural Elevations and approved a waiver LDR Section 4.6.16(H)(3)(d) to reduce the landscape terminal islands in the parking area one foot in width, where a minimum nine feet is required.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the Site Plan Review and Appearance Board (SPRAB) approval and conditions rendered at its meeting of April 26, 2017. All of the evidence is part of the record in this case. Required findings are made in accordance with Subsection I.

I. WAIVER:

- a. 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:
 - i. Shall not adversely affect the neighboring area;
 - ii. Shall not significantly diminish the provision of public facilities;
 - iii. Shall not create an unsafe situation; and,
 - iv. 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.

- b. Pursuant to LDR Section 4.4.13(K)(8)(b)(2), waivers, in addition to the findings in LDR Section 2.4.7(B)(5), within the CBD, the following standards shall be considered when reviewing waiver requests:
- i. The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.
 - ii. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
 - iii. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
 - iv. The waiver shall not reduce the quality of civic open spaces provided.

Should the waiver to reduce landscape terminal islands in the parking area from nine feet to one foot in width be granted?

Yes _____ No _____

3. 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.

4. Based on the entire record before it, the City Commission approves ____ denies ____ the appeal and hereby adopts this Order this 5th day of July, 2017, by a vote of ____ in favor and ____ opposed.

Cary D. Glickstein, Mayor

ATTEST:

Katerri Johnson, CMC., City Clerk

Approved as to legal form
And sufficiency:

City Attorney

Department Head:

Timothy R. Stillings, AICP
Director of Planning, Zoning, and Building