

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 324 LOFTS, 324 NE 3<sup>rd</sup> AVENUE**

1. This waiver request came before the City Commission on **August 2, 2017**.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for the **324 Lofts** development located at **324 NE 3<sup>rd</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. WAIVERS:** Pursuant to **LDR Section 4.4.13(K)(8)(b)(2)**, 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:

- (a) 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.
- (b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
- (c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
- (d) The waiver shall not reduce the quality of civic open spaces provided.

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)1., Configuration of Buildings, Dimensional Requirements for CBD Sub-districts

Pursuant to LDR Section 4.4.13(D)(2)(a)1., the maximum front setback is 15'.

**1. Should the waiver to LDR Section 4.4.13(D)(2)(a)1., to increase the front setback to 19'-4" be approved?**

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

3. At its meeting of **June 28, 2017**, the Site Plan Review and Appearance Board considered this waiver request and voted **6 to 1** 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 \_\_\_\_\_  
denies \_\_\_\_\_ this waiver request.

7. Based on the entire record before it, the City Commission hereby adopts  
this Order this **2<sup>nd</sup> day of August 2017**, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

ATTEST:

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

\_\_\_\_\_  
Katerri Johnson, CMC., City Clerk

Approved as to legal form  
And sufficiency:

\_\_\_\_\_  
City Attorney

Department Head:

\_\_\_\_\_  
Timothy Stillings, Director of Planning & Zoning