

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 REQUESTS
FOR MIDTOWN DELRAY**

1. These waiver requests came before the City Commission on February 6, 2018.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver requests for Midtown Delray. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsection I.

I. WAIVER: 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. Waivers

- 1. A waiver to LDR Section 4.4.24(F)(4), the maximum width of a building fronting a street shall be limited to 60' and shall have a minimum separation of 15' between buildings fronting a street in a development site that contains more than one structure. The two Residential-type Inn buildings along SW 1st Avenue (164' and 156' 4"), the Inn building along Swinton Avenue (building #3; 71' 4"), and the Inn building at the southeast corner of Swinton Avenue and SE 1st Street (81' 4") exceed the 60-foot maximum.

Should the waiver to allow a building width greater than 60 feet be granted?

Yes _____ No _____

2. A waiver to LDR Section 4.6.4(A)(1)(a)(ii) to reduce the required rear setback above the 3rd floor for Building #1 (abutting Atlantic Avenue) from 30 feet to 19 feet for the 4th floor.

Should the waiver to reduce the required rear building setback from 30 feet to 19 feet for the 4th floor of Building #1?

Yes _____ No _____

3. At its meeting of December 19, 2017, the Historic Preservation Board considered the waiver to LDR Section 4.4.24(F)(4) and voted 7 to 0 to recommend denial of the waiver to the building widths, based upon a failure to make positive findings.

4. At its meeting of December 19, 2017, the Historic Preservation Board considered the waiver to LDR Section 4.6.4(A)(1)(a)(ii) and voted 4 to 3 to recommend denial of the waiver to the reduce the rear setback of Building #1, based upon a failure to make positive findings.

5. 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.

6. 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.

7. Based on the entire record before it, the City Commission approves ____ / denies ____ this waiver request to LDR Section 4.4.24(F)(4).

8. Based on the entire record before it, the City Commission approves ____ / denies ____ this waiver request to LDR Section 4.6.4(A)(1)(a)(ii).

9. Based on the entire record before it, the City Commission hereby adopts this Order this February 6, 2018, by a vote of ____ in favor and ____ opposed.

ATTEST:

Cary D. Glickstein, Mayor

Katerri Johnson, City Clerk

R. Max Lohman, Esq.
City Attorney