

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
PALM TRAN SOUTH COUNTY FACILITY**

1. This waiver request came before the City Commission on April 17, 2018.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for the Palm Tran South County Facility property located at 100 North Congress Avenue. 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 4.6.9(D)(3)(c)(2):

Pursuant to LDR Section 4.6.9(D)(3)(c)(2), a minimum stacking distance of 100 feet in advance of guardhouses and security gates. A stacking distance of 30 feet is proposed from the security gate.

1. Should the waiver to LDR Section 4.6.9(D)(3)(c)(2) to allow the reduction of the stacking distance from 100 feet to 30 feet in advance of the guardhouse?

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 _____, by a vote of _____ in favor and _____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to legal form
And sufficiency:

R. Max Lohman, City Attorney