

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 TO LAND DEVELOPMENT REGULATION
SECTION 4.4.25(D) REGARDING PROCEDURAL REQUIREMENTS
FOR SPECIAL ACTIVITY DISTRICTS
FOR 1690-2350 SOUTH CONGRESS AVENUE**

1. This waiver request came before the City Commission on December 11, 2018.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for 1690-2350 South Congress Avenue. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsection I.

d. **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. Waiver to LDR Section 4.4.25(D)

Per LDR Section 4.4.25(D), final approval of the rezoning to SAD will require the inclusion of an approved site plan in the SAD rezoning ordinance. The Site Plan must be approved by the Site Plan Review and Appearance Board (SPRAB) prior to the second and final reading of the SAD rezoning ordinance. The applicant has submitted a waiver request from LDR Section 4.4.25(D) procedural Review and Approval Process that requires the site plan concurrent with the SAD rezoning. In lieu of the site plan approval, the applicant has submitted a Master Development Plan that depicts phasing and the development potential within each phase.

Should the waiver from the site plan requirement to allow a rezoning to SAD be granted?

Yes _____ No _____

3. At its meeting of October 15, 2018, the Planning and Zoning Board considered this waiver request and voted 6 to 0 to recommend approval of the waiver, based upon positive findings with LDR Section 2.4.7(B)(5).

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 December 11, 2018, by a vote of _____ in favor and _____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, CMC, City Clerk

Approved as to legal form
And sufficiency:

City Attorney