

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
1000, 1220, & 1350 Linton Blvd**

1. This waiver request came before the City Commission on February 5, 2019.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for 1000, 1220 & 1350 Linton Blvd. 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 4.3.4(H)(6)(b)(4)

Pursuant to LDR Section 4.3.4(H)(6)(b)(4) Special Landscape Setbacks; along Linton Blvd; from A-1-A to the Western city limits, a special landscape area shall be provided. This landscape area shall be the smaller distance of either 30 feet or ten percent of the average depth of the property, however; in no case shall the landscape area be less than ten feet.

Should the waiver to Section 4.3.4(H)(6)(b)(4) special landscape setbacks, to reduce the landscape setback to 12'4" along the northern frontage of the existing McDonalds located at the eastside of Waterford Place, 8'9" and 5'7" along the northeast portion of the property on (parcel 112 of Waterford Place), and to reduce the landscape setback along the northern frontage of Outback and Homegoods located at the westside of Waterford Place, to 8'6" starting at it most western portion of the northern frontage and extending to 14' at its most eastern portion of the northern frontage be granted.

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 5th day of February 2019, by a vote of ____in favor and ____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, CMC., City Clerk

Approved as to legal form
And sufficiency:

Lynn Gelin, Interim City Attorney