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April 10, 2025

City of Delray Beach, Development Services  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, Florida 33444

**RE: The Maxwell  
306 NW 2<sup>nd</sup> Avenue  
Delray Beach, FL 33483  
DEC# 4212-99-001**

**The Maxwell – Waiver Request Justification Statement – Off-Street Loading**

306 NE 2nd Street, LLC (“Applicant”) is the owner and developer of the +/- 0.86-acre parcel located at 306 NE 2nd Street (PCN: 12-43-46-16-01-090-0250) (“Property”), which is generally located north of Railroad Street and at the northeast and southeast corner of NE 4th Avenue and NE 2nd Street, in the City of Delray Beach (“City”). The Property has a future land use designation of Commercial Core (“CC”) and a zoning designation of Central Business District (“CBD”). The Property is located within the Central Core Subdistrict of the CBD. The Property is currently developed as a commercial use. Applicant is proposing to redevelop the Property with a mixed-use building that consists of 23 condominium units and 2,651 SF commercial space (“Project”). The proposed Project is compatible with the surrounding area, with similar multi-family communities located to the south and east of the Property.

In order to develop the Project, the Applicant is seeking three (3) waivers from the City’s Land Development Regulations (“LDR”) CBD requirements. This waiver request justification is related to the required off-street loading.

**Off-street Loading**

First, the Applicant is requesting a waiver from **Section 4.6.10.(A)** to allow the site to function without an off-street loading space. A minimum of two (2) loading berths are required for the proposed development. Per the meeting with City’s Development Services Management Group (“DSMG”) and the Applicant for the Right-of-Way Reduction Request of Railroad Street, held on August 17, 2023, it has been concluded that Railroad Street functions as an alley for the properties in the area, including the subject Property. Per **Policy MBL 2.6.2** of the Always Delray Comprehensive Plan, existing alleys shall be maintained by the City as they provide many benefits that improve the quality of the areas, which include minimizing commercial deliveries from occurring in the primary street network. As Railroad Street has been determined to function as an alley, the Applicant is requesting to use Railroad Street as the loading and unloading area. Please refer to the accompanying Loading Demand Statement for additional information regarding the expected frequency of loading/unloading operations.

**Waiver from Section 4.6.10.(A) to allow the site to function without an off-street loading space.**

(a) The waiver shall not adversely affect the neighboring area.

The waiver will not adversely affect the neighboring area. The Applicant seeks to continue using Railroad Street as it is most likely used by the properties the road serves. Railroad Street has been previously concluded to be used as an alley and should continue to be used to minimize commercial deliveries on the City's main streets. The loading and unloading of commercial goods are proposed to take place  $\pm 140$  feet from the nearest main street (NE 4<sup>th</sup> Avenue) and  $\pm 60$  feet from the nearest driveway of the nearest adjacent property. Currently, the abutting lane of Railroad Street and the Property does not have any buffer or space; the road asphalt meets the wall of the existing building. Although the Applicant is seeking to continue using Railroad Street for commercial deliveries, the Project will overall enhance the area by adding curbing, sidewalks and landscape areas to serve as boundary for the road and the Property.

(b) The waiver shall not significantly diminish the provision of public facilities.

The proposed waiver request will not have any impact on water, sewer, drainage, or other public facilities that serve the community. The street serves as an alley and provides an alternate access to the neighboring multi-family residential and commercial buildings.

The Applicant is not only seeking to continue to use the effective alley for its recognized purpose, but also is proposing to visually improve the segment adjacent to the property without affecting the capacity of the alley to serve the properties in the area. The waiver will not significantly diminish the provision of public facilities.

(c) The waiver shall not create an unsafe situation.

The waiver will create a safer situation than today's condition. The existing condition of the Property does not include any loading area within the property, which may suggest that the loading and unloading of commercial goods take place in the south of the Property (directly adjacent to the building). The Applicant is seeking to continue using the same area with the addition of curbing, sidewalk and landscape area to provide buffer space between the delivery vehicles and the Property, creating a safer situation overall. Additionally, the creation of the space between the delivery vehicle and the proposed building will improve the maneuverability of any vehicle using the alley by allowing the delivery vehicles to effectively use the entire space of the alley without the worry of encroaching into the existing building wall.

(d) The waiver does not result in the grant of special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The waiver will not result in the grant of special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. The Applicant is seeking to continue to use Railroad Street as an alley for the purposes of loading and unloading, which any other adjacent properties with limited parking spaces may request. The Ocean City Lofts, as part of their Class V application and Plat has been approved with the Staff Report classifying the function of Railroad Street as an alley, which

was used agreed upon for this development during the Right-of-Way Reduction Request meeting with the City's DSMG.

(e) Within the CBD, the following additional findings apply:

1. 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.

The waiver will not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls. The Applicant is not only seeking to continue to use the effective alley for its recognized purpose, but also is proposing to visually improve the segment adjacent to the property without affecting the capacity of the alley to serve the properties in the area. The proposed development will also improve the pedestrian experience by providing sidewalks along Railroad Avenue where none are provided in existing conditions.

2. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.

The waiver will not result in the creation of significant incompatibilities with nearby buildings or uses of land. The Applicant is seeking to continue to use Railroad Street as an alley for the purposes of loading and unloading, which any other adjacent properties with limited parking spaces may request. The Ocean City Lofts, as part of their Class V application and Plat has been approved with the Staff Report classifying the function of Railroad Street as an alley, which was agreed upon for this development during the Right-of-Way Reduction Request meeting with the City's DSMG.

3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.

The waiver will not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan. The Applicant is seeking to continue to use the effective alley for its recognized purpose. The proposed development will also improve the connectivity of the street and sidewalk network by providing sidewalks along Railroad Avenue where none are provided in existing conditions.

4. The waiver shall not reduce the quality of civic open spaces provided under this code.

The waiver will not reduce the quality of civic open spaces provided under this code. The Applicant is seeking to continue to use the effective alley for its recognized purpose. The proposed development will improve the quality of civic open spaces by providing sidewalks and streetscape along Railroad Avenue where none are provided in existing conditions.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Sincerely,

**DYNAMIC ENGINEERING CONSULTANTS, PC**

Michael D. Miles, PE  
Regional Manager / Senior Principal