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605 NE 2nd Street – The Edge at Pineapple Grove
Waiver Request Justification Statement

Downtown Second Street, LLC (“Applicant”) is the proposed developer of the +/- 0.37-acre parcel located at 605 NE 2nd Street (PCN: 12434616011140090) (“Property”), which is generally located at the northeast corner of NE 6th 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 with commercial and residential uses. Applicant is proposing to redevelop the Property with an eight (8) townhouse unit project (“Project”). The Project seeks to redevelop this underutilized lot with a vibrant and architecturally modern townhome community that will further enhance the appearance of the City’s downtown area. The proposed Project is compatible with the surrounding area, with similar multi-family communities located to the south and east of the Property. The additional housing units will provide an exciting new residential option within the City’s CBD, located just two blocks north of Atlantic Avenue.

In order to develop the Project, Applicant is seeking two (2) waivers from the City’s Land Development Regulations (“LDR”) CBD regulations. First, Applicant is seeking a waiver from Section 4.4.13(l)(3)(b)(1) to allow access to the Property from NE 2nd Street. Pursuant to the Central Core and Beach Sub-district Regulating Plan and Figure 4.4.13-B-1 of the City’s LDRs, NE 2nd Street is identified as a Primary Street east of NE 6th Avenue only for the length of the Property and is not classified as such after the north-south alleyway that lies immediately east of the Property. Per Section 4.4.13(l)(3)(b)(1), “On Primary Streets, alleys and Secondary Streets, when present, shall be the primary source of vehicular access to off-street parking.” Currently, there is an existing +/-16-foot-wide alley along the eastern property line. Per this LDR provision, access to the Project would be restricted from NE 6th Avenue and NE 2nd Street and the Applicant would be required to provide vehicular access to the Property from the existing alley. However, the existing alley is only sixteen feet (16’) and even with a potential two foot (2’) dedication from the Applicant, the alley is still undersized at eighteen feet (18’). Providing the only access to the residential Project through an undersized alleyway will create significant issues and potential safety concerns for those vehicles attempting to visit the Property. Providing a safe twenty four foot (24’) wide access drive through the center of the Project will ensure there is safe two-way traffic for vehicles travelling in and out of the Property, as well as for those making deliveries and serving the project for waste pickup or emergency services.

The Applicant is also seeking a waiver from Table 4.4.13(C) to reduce the front setback at the corner of NW 6th Avenue and NE 2nd Street from ten (10) feet to three and one half (3.5) feet for the second and third floor. The proposed waiver will only affect the second and third floor at the southwest corner of the west block. The required ten (10) foot front setback has been provided on the ground floor and the required increased setback of twenty (20) feet has been provided on the fourth floor. As such, the proposed waiver will not impact pedestrian and vehicular activity at the street level. As further discussed

below, the corner of NW 6th Avenue and NE 2nd Street is unique because a corner clip has been dedicated to the City and the required ten (10) foot setback area on the ground floor has been provided at an angle from the edge of the triangular dedication area. The waiver will result in an overhang area that will enhance the pedestrian walkway and civic area to provide shade and coverage for pedestrians at the street level.

Considering the foregoing, Applicant is seeking the following waivers:

Waiver from Section 4.4.13(I)(3)(b)(1) to permit vehicular access to the Property on NE 2nd Street, which is a Primary Street.

Waiver from Table 4.4.13(C) to reduce the front setback at the corner of NW 6th Avenue and NE 2nd Street from ten (10) feet to three and one half (3.5) feet for the second and third floor.

In accordance with the above outlined request, Applicant will demonstrate that each waiver meets the following criteria enumerated in Section 2.4.7(B)(5): 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.

Waiver from Section 4.4.13(I)(3)(b)(1) to permit vehicular access to the Property on NE 2nd Street, which is a Primary Street.

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

The waiver will not adversely affect the neighboring area. Rather, the Applicant seeks to provide the most direct and identifiable access to the Project in order to further ensure the safety of those traveling in the area. As previously discussed, NE 2nd Street is identified as a Primary Street east of NE 6th Avenue only for the length of the Property and is not classified as such east of the Property. Currently, there is an existing +/-16-foot-wide alley along the eastern property line. Pursuant to LDR Section 4.4.13(I)(3)(b)(1), access to the Project would be restricted from NE 6th Avenue and NE 2nd Street and the Applicant would be required to provide vehicular access to the Property from the existing alley. However, as the existing alley is only fifteen feet (16') (and even with a potential two foot (2') dedication from the Applicant), the alley is still undersized at only eighteen feet (18'). Providing the only access to the residential Project through an undersized alleyway will create significant issues and potential safety concerns for those vehicles attempting to visit the Property, particularly with two-directional traffic. Deliveries stopping along the alley would further impede access for those traveling to the Project or to other areas serviced by the alley. Providing a safe twenty four foot (24') wide access drive through the center of the Project will ensure there is safe two-way traffic for vehicles travelling in and out of the Property, as well as for those making deliveries and serving the project for waste pickup or emergency services. Creating a singular access point for ingress and egress along NE 2nd Street and at the center of the

Project will also facilitate traffic flow and reduce incidents caused by drivers who are unable to easily identify the point of ingress for the Project. More specifically, it is important with any development that the access be situated in a logical location that ensures those visiting the site can do so safely. While those residing at the Project would learn the traffic pattern over time, guests and those making deliveries could be easily confused as to how to access the Project if the only access was provided internal to the alley. Many visitors would likely miss the access and could potentially make unsafe vehicular maneuvers to turn around or stop suddenly in an effort to find their destination. This is especially problematic and concerning due to the proximity to Federal Highway (NE 6th Avenue), as such unsafe vehicular maneuvers may impact other vehicles traveling from or along NE 6th Avenue and at higher rates of speed. By providing a visible and logical access point at the center of the Project, visitors and those making deliveries will be able to easily identify their location and travel quickly into the Project, reducing potential traffic impacts. Applicant seeks to minimize traffic impacts to the neighboring area and maintain the unobstructed flow of traffic. As such, the waiver shall not adversely affect the neighboring area, but will instead offer a safer condition for the surrounding community.

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

The waiver will 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. Alternatively, the waiver seeks to improve the provision of public facilities, specifically related to access for emergency service vehicles. Since the existing alley is limited in size, large emergency vehicles may experience difficulty accessing the Property. Further, if a vehicle is traveling in the opposite direction or a delivery is being made and a delivery vehicle is stopped in the alley, fire and police services to the Property or other developments using the alley may be impacted. Applicant seeks to provide vehicular access along NE 2nd Avenue to allow for quicker and more direct access for emergency service vehicles, as well as waste services and others visiting the Property, so as not to impact the surrounding community. As such, the waiver shall not significantly diminish the provision of public facilities.

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

The waiver shall not create an unsafe situation. Conversely, Applicant is seeking to avoid an unsafe situation by providing access to the Project in the most logical and identifiable location along NE 2nd Street. NE 2nd Street is identified as a Primary Street east of NE 6th Avenue only for the length of the Property and is not classified as such east of the Property. Currently, there is an existing +/-16-foot-wide alley along the eastern property line. Pursuant to LDR Section 4.4.13(l)(3)(b)(1), access to the Project would be restricted from NE 6th Avenue and NE 2nd Street and the Applicant would be required to provide vehicular access to the Property from the existing alley. However, as the existing alley is only sixteen feet (16') (and even with a potential two foot (2') dedication from the Applicant), the alley is still undersized. Providing the only access to the residential Project through an undersized alleyway will create significant issues and potential safety concerns for those vehicles attempting to visit the Property, particularly with two-directional traffic. Deliveries stopping along the alley would further impede access for those

traveling to the Project or to other areas serviced by the alley. Providing a safe twenty four foot (24') wide access drive through the center of the Project will ensure there is safe two-way traffic for vehicles travelling in and out of the Property, as well as for those making deliveries and serving the project for waste pickup or emergency services. Creating a singular access point for ingress and egress along NE 2nd Street and at the center of the Project will also facilitate traffic flow and reduce incidents caused by drivers who are unable to easily identify the point of ingress for the Project. More specifically, it is important with any development that the access be situated in a logical location that ensures those visiting the site can do so safely. While those residing at the Project would learn the traffic pattern over time, guests and those making deliveries could be easily confused as to how to access the Project if the only access was provided internal to the alley. Many visitors would likely miss the access and could potentially make unsafe vehicular maneuvers to turn around or stop suddenly in an effort to find their destination. This is especially problematic and concerning due to the proximity to Federal Highway (NE 6th Avenue), as such unsafe vehicular maneuvers may impact other vehicles traveling from or along NE 6th Avenue and at higher rates of speed. By providing a visible and logical access point at the center of the Project, visitors and those making deliveries will be able to easily identify their location and travel quickly into the Project, reducing potential traffic impacts. Applicant seeks to minimize traffic impacts to the neighboring area and maintain the unobstructed flow of traffic. Furthermore, the Project is located in a heavily pedestrian oriented area and driver confusion could create a serious risk to pedestrian safety. As such, the safest and most identifiable vehicle access point for the Project is along NE 2nd Street, which will allow both ingress and egress from a singular location.

(d) The waiver 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.

The waiver 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. The Property is uniquely located at the corner of two Primary Streets, which requires additional consideration for efficient and safe access to the Project. Similarly, the size of the existing +/-16-foot-wide alley presents unique access difficulties for larger vehicles such as deliveries, or for fire rescue and other emergency services. While the Property currently provides access points both along NE 2nd Street and NE 6th Avenue, to ensure there are no conflicts with the heavily trafficked Federal Highway corridor, Petitioner is proposing to eliminate that access. Similarly situated residential developments in the immediate vicinity of the Property have access provided from primary streets. For example, the Renaissance Village development located at the southeast corner of NE 2nd Street and NE 6th Avenue has multiple access points off of NE 6th Avenue. Further, the Town Place and Porto al Mare residential communities located on the west side of NE 6th Avenue just south of NE 2nd Street also have multiple access points off NE 6th Avenue where an alley is provided in the rear of the developments. The Delray Sebastian community located at the southeast and west corners of NE 5th Avenue and NE 3rd Street also provide access points from NE 5th Avenue and not just the alley. While numerous residential communities along the Federal Highway thoroughfare provide direct access to the communities from Federal Highway, the Applicant understands the potential traffic impacts associated with providing frequent access points along Federal Highway. Alternatively, the Applicant is proposing access along NE 2nd Street,

which will be a safer condition for visitors of the Project and vehicles traveling in the vicinity of the Property. Finally, Applicant seeks to ensure the safety of pedestrians in this pedestrian oriented area by providing the most identifiable vehicle access point for both ingress and egress from a singular location. Considering the foregoing, the waiver does not result in the grant of a special privilege in that the same condition has been approved by the City under similar circumstances on other property for another applicant or owner and frequently exists along primary streets within the CBD.

Waiver from Table 4.4.13(C) to reduce the front setback at the corner of NW 6th Avenue and NE 2nd Street from ten (10) feet to three and one half (3.5) feet for the second and third floor.

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

The waiver shall not adversely affect the neighboring area. The southwest corner of the Project at NW 6th Avenue and NE 2nd Street is unique because a corner clip was dedicated to the City in accordance with Section 5.3.1(5) of the LDRs. The corner clip is a right-of-way dedication that is required at all intersections to ensure adequate right-of-way for the safe movement of pedestrians in the CBD. As such, a 20' x 20' corner clip was dedicated to the City at the corner of NW 6th Avenue and NE 2nd Street. Applicant has provided the ten (10) foot required setback from the edge of the corner clip area on the ground floor of the Project. As such, the waiver will not impact the front setback at the street level and will not adversely impact pedestrian walkways or the safe movement of pedestrians in the area. The proposed waiver will only impact the second and third floor of the west block at the corner of NW 6th Avenue and NE 2nd Street. Due to the triangular orientation of the corner clip, the required ten (10) foot setback area at the corner of NW 6th Avenue and NE 2nd Street is angled. Applicant would have complied with the ten (10) foot minimum front setback area if the corner clip dedication had not been required. The overhang of the second and third stories above the required setback area will create a unique canopy cover and share area for pedestrians at the street level. Furthermore, Applicant is proposing to provide civic open space with a floating bench along the edge of the corner clip dedication. The overhang of the second and third stories will provide canopy coverage to support this area as well. The overhang from the second and third stories will enhance the pedestrian experience and will not adversely affect the neighboring area. The Project complies with all other required setbacks, including the increased setback for the fourth floor.

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

The waiver shall not significantly diminish the provision of public facilities. As mentioned, Applicant has provided the required ten (10) foot setback at street level. As such, the waiver will not impact the provision of public facilities.

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

The waiver shall not create an unsafe situation. As mentioned, the Project complies with the required ten (10) foot front setbacks on the ground floor of the Project. As such, the waiver will not impact the street level or the safe movement of pedestrians. Additionally, the waiver will not impede the line of sight for drivers along NW 6th Avenue and NE 2nd Street because the required setback on the ground floor has been provided and the second and third stories are at a height that won't affect drivers on the rights-of-way. Furthermore, due to the corner clip dedication to the City, the entire building, including the second and third floor, is adequately setback from NW 6th Avenue and NE 2nd Street. As such, there will be a safe distance between the building, the pedestrian sidewalk, and the rights-of-way. Considering the foregoing, the waiver shall not create an unsafe situation.

(d) The waiver 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.

The waiver 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. As mentioned, Applicant would have complied with the required ten (10) foot front setback for the second and third floor if not for the required corner clip dedication. The corner clip dedication is 20' by 20' and the required front setback is measured at an angle from the edge of the triangular dedication area. This has resulted in a substantial buffer at the corner of NW 6th Avenue and NE 2nd Street in accordance with the intent of the LDRs. Furthermore, the affected area of the waiver is small, only effecting the southwest corner of the west block whereas the remainder of the Property is in compliance with the setback requirements. Considering the unique circumstances of the corner clip and the Project's otherwise compliance with the ground floor and fourth four setback requirements, the waiver does not result in the grant of a special privilege.