

**605 NE 2<sup>nd</sup> Street – The Edge at Pineapple Grove**  
**Sec. 4.6.16 Landscape Waiver Requests: Justification Statement**

Downtown Second Street, LLC (“Applicant”) is the proposed developer of the +/- 0.37-acre parcel located at 605 NE 2<sup>nd</sup> Street (PCN: 12434616011140090) (“Property”), which is generally located at the northeast corner of NE 6<sup>th</sup> Avenue and NE 2<sup>nd</sup> 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 a seven (7) 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 a waiver from Section 4.6.16 of the City’s Land Development Regulations (“LDRs”) where one tree is required within the landscape island at the southeast corner of the Property, but cannot be located in this location due to conflicts with an existing underground watermain. Although a street tree cannot be planted within this specific location due to the existing utilities, the Applicant is providing an attractive streetscape and additional plantings in the area, which include Gumbo Limbo trees providing shade over the pedestrian walkways, a Montgomery palm to accent the corner of the building, and podocarpus and red tip coccoplum along the building within this southern portion of the development site to enhance the appearance of this area. The landscape island itself will be planted with green island ficus to provide some enhancements through landscaping, where the landscape is otherwise limited due to the existing watermain. Considering the foregoing, Applicant is seeking the following waiver:

Waiver from Section 4.6.16(H)(3)(i) to provide no shade tree within the landscape islands at the southeast corner of the property, where one (1) tree is required, due to conflicts with the existing underground watermain.

In accordance with the above outlined request, Applicant will demonstrate that the waiver meets the following criteria enumerated in Section 2.4.11(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 4.6.16(H)(3)(i) to provide no shade tree within the landscape islands at the southeast corner of the property, where one (1) tree is required, due to conflicts with the existing underground watermain.

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

The waiver will not adversely affect the neighboring area. Rather, this in large part stems from the conflicts with the existing utilities within the right-of-way adjacent to the Property, thereby requiring the landscape island to be pushed into the site and adjacent to required utilities. More specifically, there is an existing water main that runs through the sidewalk area adjacent to NE 2<sup>nd</sup> Street. Because of this existing water main, no landscape materials can be planted along NE 2<sup>nd</sup> Street in the area that would normally contain street trees and other landscape materials. Rather, the Applicant is proposing an alternate design to push the street trees further away from the street and the existing water main. Similarly, the landscape island at the southeast corner of the Property cannot be planted with the required shade tree because of this existing water main. Still, the Applicant is proposing to accommodate landscape materials to the extent possible give these site constraints and is instead proposing to an attractive streetscape and additional plantings within the Property and along the proposed buildings, which will include Gumbo Limbo trees providing shade over the pedestrian walkways, a Montgomery palm to accent the corner of the building, and podocarpus and red tip coccoplum along the building within this southern portion of the development site to enhance the appearance of this area. The landscape island itself will be planted with green island ficus to provide some enhancements through landscaping, where the landscape is otherwise limited due to the existing watermain. This waiver will not adversely affect the neighboring area as it will ensure there are no conflicts between landscape plantings for the Project and the various utilities that service not only the Property, but also the surrounding areas. Instead, the additional tree will be planted along this frontage to further enhance the pedestrian streetscape.

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

The waiver will not significantly diminish the provision of public facilities. Rather, the proposed waiver will ensure there are no impacts between the various utilities that not only serve the Property, but the area in general, with the landscape plantings otherwise required by the City's LDRs. As noted, the Applicant has provided the necessary landscape area adjacent to the buildings, but cannot accommodate the required tree in the landscape island at the southeast corner of the Property due to the constraints with existing utilities. Rather, Petitioner is proposing to plant an additional tree in the southern buffer area where such conflicts can be avoided. As a result, the waiver request will not have any impact on water, sewer, drainage, or other public facilities that serve the 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 ensuring trees will not be installed adjacent to or over both existing and proposed utilities that would service the Property and adjacent areas. Rather, Petitioner is proposing an alternate location for the planting that will ensure any such conflicts can be avoided. The plantings are further proposed outside of any necessary sight triangles so as not to create a hazardous situation for drivers entering and existing the Property. As such, the waiver will 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. The Property is unique, as there are existing utilities that run under the existing sidewalks adjacent to NE 2<sup>nd</sup> Street that need to be considered. The waiver request stems from the conflicts with the existing utilities within the right-of-way adjacent to the Property, thereby requiring the tree to be planted within the site as opposed to within the landscape island at the southeast corner of the Property and over the existing utilities. More specifically, there is an existing water main that runs through the sidewalk area adjacent to NE 2<sup>nd</sup> Street. Because of this existing water main, no landscape materials can be planted along NE 2<sup>nd</sup> Street in the area that would normally contain street trees and other landscape materials. Rather, Petition is proposing an alternate design to push the street trees further away from the street and the existing water main. Similarly, the required landscape islands tree has also been pushed further into the Property, rather than along the street. Still, the Applicant is proposing to accommodate landscape materials to the extent possible give these site constraints and is instead proposing to an attractive streetscape and additional plantings within the Property and along the proposed buildings, which will include Gumbo Limbo trees providing shade over the pedestrian walkways, a Montgomery palm to accent the corner of the building, and podocarpus and red tip cocoplum along the building within this southern portion of the development site to enhance the appearance of this area. The landscape island itself will be planted with green island ficus to provide some enhancements through landscaping, where the landscape is otherwise limited due to the existing watermain. 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 within the CBD.