



April 21, 2022

Jennifer Buce
Department of Planning and Zoning
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Re: ***1236 George Bush Boulevard, Delray Beach, Florida ("Property")
Class V Site Plan Application ("Application")
Request for Waiver (L.D.R. Section 2.4.7(B))***

Dear Ms. Buce:

The undersigned represents 1236 George Bush Blvd, LLC, the owner and applicant for the referenced Class V. This letter shall serve as a summary of the justification for the Application's waiver request pertaining to the TAC ID-1079, new 3rd review, comment 31 which references the following horizontal offset requirement as established in the Florida Greenbook ("Offset Requirement"):

31. Please adjust the street trees to be at least 14' from the edge of traveled way or provide raised curbs to adjust the required offset to 4' from face of curb to comply with horizontal offset requirements as established in the Florida Greenbook.

As set forth herein, the Offset Requirement cannot and should not be applied to the Property and a waiver is appropriate to permit the *omission of the requested street trees* in that: (1) trees placed 14' from the roadway will interfere with and obstruct the City's existing exfiltration trench stone and piping on site; and (2) the adjustment of the required offset to 4' from the face of curb would require a change of design to an F or D curb at the site, in conflict with the FDOT's current incorporation of a valley gutter into the road improvement design along George Bush Boulevard.

Waiver Request re: Omit requirement of additional trees within the frontage of the Property and at 4' or 14' from the face of the curb in accordance with the Offset requirement and L.D.R. Section 4.6.16.

A waiver from L.D.R Section 4.6.16 is appropriate in that all standards for a waiver pursuant to L.D.R. 2.4.7(B) are met, namely that granting the waiver (1) will not adversely affect the neighboring area; (2) will not significantly diminish the provision of public utilities; (3) will not create an unsafe situation and (4) will 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.

1. The granting of the waiver will not adversely affect the neighboring area.

The Property is located on George Bush Boulevard east of the intracoastal waterway, along which FDOT has proposed a valley gutter system (FDOT Roadway Plan dated 12/3/21 attached hereto as Exhibit A). The valley gutter is to be located along the frontage of the Property.

The Property additionally contains a City of Delray Beach installed exfiltration trench at the 14' offset mark from George Bush Boulevard (See Site Plan for the Property showing exfiltration trench, Exhibit B).

At the proposed 14' offset, trees would sit directly over the existing exfiltration trench. The placement of any type of tree within the exfiltration trench would interfere with the operation of the exfiltration system. The placement of trees at the 14' offset mark would damage the system creating a hazardous condition not otherwise present at the Property. Trees are already located in the frontage of the Property as are shown on the Site Plan, thus defeating any purpose of a further retreat of the offset. A greater offset would also overstep the footprint of the improvements to be located on the Property, interfering with the buildable footprint of the proposed residences.

At the proposed alternative 4' offset, the installation of an F or D curb would be necessary to comply with the requirements of the FDOT Greenbook. An F or D curb, however, would conflict with the current FDOT Roadway Plan (Exhibit A), providing for a valley gutter. The installation of an F or D curb would further interfere with ingress and egress from the residences. As shown on the Site Plan, there are to be six (6) driveways along the frontage of the Property. An F or D curb cannot be placed within any of the driveways, requiring a valley gutter for vehicular access. Even assuming some allowance by FDOT for an F or D curb at the location (which has not been provided) such a modification would be highly impractical resulting in only a very minimal percentage of the frontage to provide for the raised curb, rendering the placement and location of the trees meaningless to the intent of the applicable landscape regulation purpose.

The granting of this waiver would, in fact, ***prevent the adverse effect*** to the neighboring area.

2. *The granting of the waiver will not significantly diminish the provision of public utilities.*

As detailed in No. 1, the literal application of the Offset Requirement and landscape regulation would prevent the operability of the drainage and exfiltration system intended for the Property and the surrounding land. Equally, the placement of the trees at the 4' offset would require an individual lot modification to the FDOT roadway plan from the entire vicinity street line, rendering our Property as a single property along George Bush Boulevard for the creation of a curbed gutter system.

As with the point raised under number 1, it is, in fact, the failure to grant the waiver which would then significantly diminish the provision of public utilities. The ***waiver is required to prevent any interference with the provision of public utilities.***

3. *The granting of the waiver will not create an unsafe situation.*

Granting the waiver will assure: (1) the proper and continued operation of the City's exfiltration system, (2) the harmony of the FDOT Roadway plan along George Bush Boulevard, and the compliance with the general purpose and intent of the regulations. Applicable landscape regulations assure a visually aesthetic roadway and frontage to the site. No landscape regulation is intended to obstruct, interfere or conflict with drainage or general roadway safety and stormwater removal systems.

No unsafe condition will result from the grant of the waiver. Rather, the failure to grant the waiver and the literal interpretation of the applicable regulations will create an unsafe condition, namely the interference with the city's exfiltration system.

4. *The granting of 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*

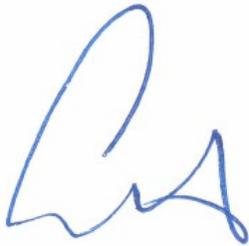
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Granting the requested waiver will, in fact, assure uniformity along George Bush Boulevard and prevent the interference of both a roadway drainage system, and an exfiltration system, both in conflict with the current requested landscape regulations and Offset Requirement. In fact, the compliance with the applicable landscape regulation and Offset Requirement would then require that the Applicant seek the special privilege that the waiver protocol seeks to avoid. Either option of placement would require modification, *for this Property only*, of the FDOT's roadway plan, and a significant modification to the City's existing exfiltration system. Neither of these options serve the purpose of the applicable regulations.

The grant of the waiver will not result in any special privilege to the applicant and assures the same provisions of utility and landscape design throughout the George Bush Boulevard roadway.

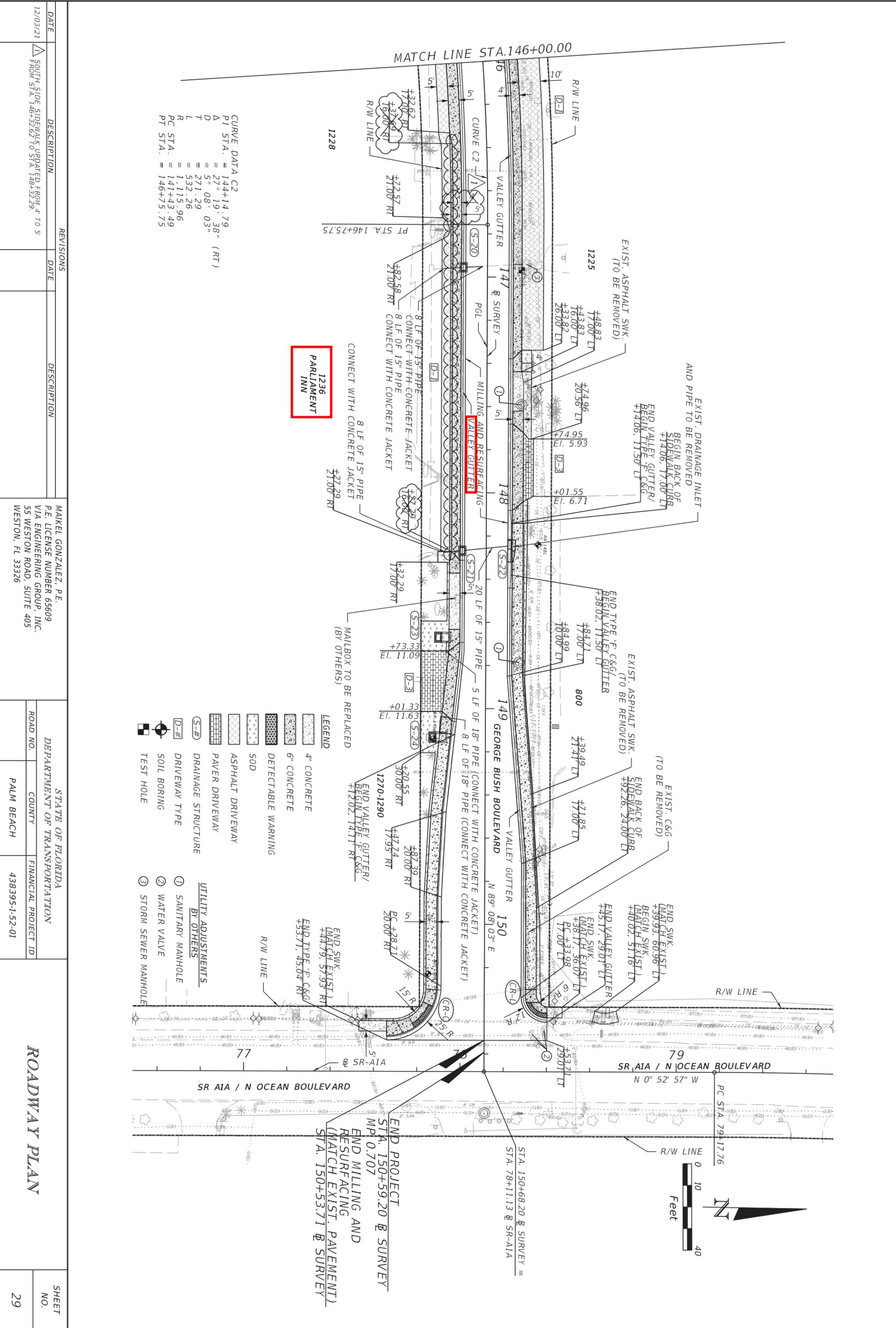
As set forth herein, the waiver is both necessary and proper and the Applicant requests it be granted concurrently with its Class V Site Plan Application.

Very truly yours,



Cristofer A. Bennardo

cc: Applicant



CURVE DATA C2
 PI STA. = 144+14.79
 Δ = 27° 19' 38" (RT)
 D = 5° 08' 03"
 T = 271.29
 L = 532.26
 PC STA. = 141+43.49
 PT STA. = 146+75.75

1236
 PARLIAMENT
 INN

REVISIONS		STATE OF FLORIDA		SHEET NO.
DATE	DESCRIPTION	ROAD NO.	FINANCIAL PROJECT ID	
12/03/21	SOUTH SIDE SIDEWALK UPDATED FROM 4' TO 5' FROM STA. 146+32.62 TO STA. 148+32.29	DEPARTMENT OF TRANSPORTATION	438395-1-52-01	29
		MAKEL GONZALEZ, P.E. P.E. LICENSE NUMBER 65609 VIA ENGINEERING GROUP, INC. 55 WESTON ROAD, SUITE 405 WESTON, FL 33326		

ROADWAY PLAN

