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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 a waiver from the City’s Land Development Regulations (“LDR”) CBD regulations. More specifically, 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 to 18 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. Providing the only access to the residential Project through the alleyway will create significant issues and potential safety concerns for those vehicles attempting to visit the Property. Providing a safe standard size access drive through the center of the Project will ensure there is safe access 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. While, the Project proposes ingress to the site from NE 2nd Street, egress would be through the alley, providing residents an opportunity to go north or south, depending upon their destination and any potential obstructions in the alley (such as a utility vehicle). Considering the foregoing, Applicant is seeking the following waivers:

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

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.

(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 to 18-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. Providing the only access to the residential Project through an 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 drive through the center of the Project for ingress only 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. Residents and guests would then utilize the alley for egress and could proceed north or south depending on their destination and any potential obstructions in the alley (such as vehicles services the utilities). Creating a singular access point for ingress 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. The applicant has also provided queuing data to confirm there is no conflict with vehicles stacking at the intersection and potentially blocking this proposed access point to the project. 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 future residents and deliveries serving the Project. Since the existing alley is limited in size, large delivery 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 ingress only 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-to-18-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. Providing the only access to the residential Project through an 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 separate point of ingress through the center of the Project will ensure there is safe circulation 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 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 safest and most identifiable vehicle access point for the Project is along NE 2nd Street, which will allow both ingress 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- to 18-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 and more stringent requirements of a more recently adopted code. Alternatively, the Applicant is proposing ingress only from 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.