

**Interior Landscaping, Section 4.6.16(H)(3)(g)**

The requirement in 4.6.16(H)(3)(g) is that the amount of interior landscaping within off-street parking areas shall amount to a minimum of ten percent of total parking area. We are requesting a waiver of this requirement. The site is an existing automobile dealership with a proposed modification to the site plan. All available softscape area on the site is being used to provide interior landscaping. Due to the existing development of the site, it is not possible to reach the ten percent amount contemplated in the code.

The request for waiver meets the findings required in Section 2.4.11(B)(5), Land Development Regulations of the City of Delray Beach (LDRs) as follows:

- a) Shall not adversely affect the neighboring area. As detailed above, this is an existing developed site that will remain with modifications. Accordingly, there will not be an adverse effect on the neighboring area.
- b) Shall not significantly diminish the provision of public facilities. There will be no impact on public facilities.
- c) Shall not create an unsafe situation. The use of the site is the same with modifications and will not contribute to safety concerns.
- 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. As this is the modification of a long-established site, we would expect a similar waiver to be granted in a similar situation. Accordingly, it is not a special privilege.

**Landscape Strip, Section 4.6.16(H)(3)(a)**

The requirement in 4.6.16(H)(3)(a) sets up specifications for landscape strips of at least five feet in depth with minimum numbers of trees (one per 30 linear feet). The proposed landscape plans provide five feet of minimum depth along the right-of-way frontage to the north and west. Parking immediately adjacent to and fronting the alley along the east is existing landscape to remain. There is not sufficient planting space to provide the required trees and hedge per the code requirement, thus we are requesting a waiver.

The request for waiver meets the findings required in Section 2.4.11(B)(5), Land Development Regulations of the City of Delray Beach (LDRs) as follows:

- a) Shall not adversely affect the neighboring area. The area where the waiver is requested will retain existing landscaping as currently approved. There will not be a negative change impacting the neighboring area.
- b) Shall not significantly diminish the provision of public facilities. There will be no impact.
- c) Shall not create an unsafe situation. The waiver to the landscape strip requirement will not create any safety concerns.
- 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. This is an existing site and the requirement has been complied with as much as fits the site characteristics. We would expect a similar waiver to be granted to an applicant with similar space limitations on an existing developed site.

**Landscape Barrier, Section 4.6.16(H)(3)(d)**

4.6.16(H)(3)(d) details the requirement for a landscaped barrier between the parking area and abutting properties. It requires five feet in width. Per instruction from staff, this waiver request is being considered in conjunction with the requested landscape strip waiver discussed above.

The request for waiver meets the findings required in Section 2.4.11(B)(5), Land Development Regulations of the City of Delray Beach (LDRs) as follows:

- a) Shall not adversely affect the neighboring area. The existing planting will remain and there will not be a negative impact on the neighbors.
- b) Shall not significantly diminish the provision of public facilities. There will be no impact.
- c) Shall not create an unsafe situation as this request related to the landscape barrier would not create any additional safety issues.
- 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. The space constraints of the currently developed site necessitate the waiver, and we expect similar applicants to receive one as well.

**Foundation Landscaping, Section 4.6.16(H)(4)(a)**

4.6.16(H)(4)(a) requires foundation landscaping according to the minimum specifications set forth in 4.6.16(E). This includes requirements related to foundation landscaping along a building facing a street. We are requesting a waiver for the required landscaping facing the alley. There is existing underground electric utility centered in the planting strip along the entirety of the building façade. Accordingly, our landscape architect recommended not adding plant materials besides turf in this area.

The request for waiver meets the findings required in Section 2.4.11(B)(5), Land Development Regulations of the City of Delray Beach (LDRs) as follows:

- a) Shall not adversely affect the neighboring area. It would not be a negative change based on the current conditions of the site and therefore would not have any negative affect on the neighboring area. As detailed above, the specifics of this location have resulted in a recommendation from our landscape architect to not add plant materials aside from turf in this area.
- b) Shall not significantly diminish the provision of public facilities. There will be no impact.
- c) Shall not create an unsafe situation. This waiver would not impact safety.
- 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. This is not only a previously developed site, but there is an existing electric utility underground in the location where additional landscaping would be required without a waiver. We would expect a similar waiver to be granted to an applicant or owner similarly situated.

**Applicability of Landscape Regulations to Modification of Existing Development, Section 4.6.16(B)(3)**

4.6.16(B)(3) states that the landscape regulations in Section 4.6.16 apply to both new development and modification of existing development. Here, we are requesting a modification of an existing development. Although the landscape plan complies as much as possible with the current regulations in areas affected by the modification, there are other area where the existing conditions are not impacted by the development and are not being modified. We request a waiver of 4.6.16(B)(3) to the extent necessary to allow for the landscape plans as proposed.

The request for waiver meets the findings required in Section 2.4.11(B)(5), Land Development Regulations of the City of Delray Beach (LDRs) as follows:

- a) Shall not adversely affect the neighboring area. The modified areas comply as much as possible with the regulations, with the waivers requested specifically detailed in the other enclosed justification statements. For the areas not impacted by the modification, the lack of change will not adversely affect the neighboring areas as it will be a continuation of what exists on the site currently.
- b) Shall not significantly diminish the provision of public facilities. There will be no impact.
- c) Shall not create an unsafe situation. There will not be an impact.
- 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. With the waiver requested under the circumstances of the existing developed site, we would expect a similarly situated applicant or owner to receive a similar waiver. Accordingly, it would not be the grant of a special privilege.