

Ms. Amy Alvarez, Assistant Director
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

October 31, 2024

Re: Request for Waivers

Dear Ms. Alvarez,

This letter is a waiver request pursuant to Section 2.4.7(B)(5) of the Delray Beach Land Development Regulations ("LDRs"). This request for waiver is related to Section 4.3.4(K) Development Standards Non-Residential Matrix footnote #3 which states; In addition to lot coverage restrictions, a minimum of 25-percent non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.

Open Space Waiver:

The Request is to reduce the open space requirement from 25% (35,202 Square feet) to 11% (15,416 square feet). The open space reduction will primarily affect the internal part of the site. All of the required perimeter landscape strips have been provided per code including the required 10 foot wide Special Landscape Buffer adjacent to Federal Highway. A separate open space calculation for the landscaping of the vehicular use area is also required, 10% of the vehicular use area must be landscaped. There is 64,811 square feet of vehicular area within the site totaling 12,261 square feet of landscaped area or 19% of the vehicular use area in landscaped area. To mitigate the reduction in the overall open space, landscaping of the Dixie Highway right of way adjacent to the west side of the subject property is being proposed. The landscaped area adjacent to Dixie Highway is 9,504 square feet. Landscaping the right of way area will not only beautify Dixie Highway but will also provide for additional levels of screening for the rear of the building and parking area east of the right of way. This location also places landscaping where it will be seen, rather than internal to the project. Formal landscaping along Dixie Highway will also assist in discouraging vehicles to park or load and unload within the right of way.

As per the Land Development Regulations, **Section 2.4.7(B)(5)** requires that the governing body make positive findings to support the granting of a waiver based on the following:

✓ **The waiver shall not adversely affect the neighboring area.**

The granting of the waiver will not adversely affect the neighborhood because the waiver request is applicable to the internal portion of the site. All perimeter buffers and landscape strips are being provided as per code requirements. Also, landscaping the Dixie Highway right of way which is also external to the project, will help to beautify and enhance the neighborhood. Therefore, the granting of the waiver will not adversely affect the neighboring area.

✓ **The waiver shall not significantly diminish the provision of public facilities.**

The granting of a waiver will have no impact on public facilities. Having a bit less landscape area will reduce the amount of irrigation water needed. The granting of the waiver will not significantly diminish public facilities.

✓ **The waiver shall not create an unsafe situation.**

Because the area affected by the waiver is internal to the perimeter landscape buffers and landscape strips, the granting of the waiver will not create an unsafe condition.

- ✓ **The waiver does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.**

No special privilege will result from the granting of this waiver and under similar circumstance this type of waiver could be granted for other developments.

As per the above items, positive findings with respect to LDR **Section 2.4.7(B)(5)** can be made with regards to all standards listed and therefore, the request for the waiver can be approved.

Front Setback Waiver:

A second waiver request pursuant to Section 2.4.7(B)(5) of the Delray Beach Land Development Regulations ("LDRs") is in relation to Section 4.4.10(F)(3)(a) which states that "Parcels shall have a minimum front building setback of five feet measured from the ultimate right-of-way line. The maximum setback shall be 15 feet, unless it can be demonstrated to the approving body that it is not feasible to comply with this standard".

As an automobile dealership, it is important to ownership and the manufacturer that certain dealership design standards be incorporated into the site design. One of the items is related to the front setback. It is critical for marketing to have a visual presence displaying the product for sale (in this case 2 auto display pads) and provide quickly accessible convenient parking at the front of the store. The results of evaluating the Federal Highway corridor reveals no existing automobile dealerships have complied with this setback requirement within the city limits. The waiver request is to increase the maximum setback of the building from 15 feet to 78 feet.

- ✓ **The waiver shall not adversely affect the neighboring area.**

The granting of the waiver will not adversely affect the neighborhood because the site plan is reducing driveway cuts from 3 to 1 thereby reducing the possible conflict points along Federal Highway. The setback area affected by the waiver is internal to the site and behind the Federal Highway Special Landscape Buffer. Therefore, the granting of the waiver will not adversely affect the neighboring area.

- ✓ **The waiver shall not significantly diminish the provision of public facilities.**

The granting of a setback waiver will have no impact on public facilities. The granting of the waiver will not significantly diminish public facilities.

- ✓ **The waiver shall not create an unsafe situation.**

The site plan is reducing driveway cuts from 3 to 1 thereby reducing the possible conflict points along Federal Highway. In fact it will make it safer. The setback area affected by the waiver is internal to the site and behind the Federal Highway Special Landscape Buffer. The granting of the waiver will not create an unsafe condition.

- ✓ **The waiver does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.**

There are no existing automobile dealerships that have complied with this setback requirement within the city limits so no special privilege will result from the granting of this waiver since under similar circumstance this type of waiver could be granted and has been granted for other developments.

As per the above items, positive findings with respect to LDR **Section 2.4.7(B)(5)** can be made with regards to all standards listed and therefore, the request for the waiver can be approved.

Please feel free to email or call if you have any questions or need additional information.

Sincerely,
Covelli Design Associates, Inc.



Michael J. Covelli, ASLA/ AICP