

January 9, 2017

Mr. Tim Stillings
Planning, Zoning, and Building
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

Re: Atlantic Crossing Waiver Request

Dear Mr. Stillings,

Please accept this letter as a formal request pursuant to Section 2.4.7(B)(2) of the Delray Beach Land Development Regulations (“LDRs”) involving the granting of relief from various LDR Sections as specified below. LDR 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:

- (A) The waiver shall not adversely affect the neighboring area;
- (B) The waiver shall not significantly diminish the provision of public facilities;
- (C) The waiver shall not create an unsafe situation; and,
- (D) 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.

Request for waiver of LDR Section 5.3.1(D)(2) – Right-of-Way Width

This request is to reduce the right of way from 60 feet for a local street to 30 feet wide which will accommodate two 10 foot lanes with curbing and a 6 foot wide sidewalk. Required findings are as follows:

The waiver shall not adversely affect the neighboring area.

The granting of this waiver will not adversely affect the neighborhood. Granting of this waiver will provide for a mid-block ingress/ egress into the heart of the development providing access to various destinations within. A sidewalk is being provided to also provide mid-block access for pedestrians and provides a pedestrian connection for the future residents of the adjacent buildings. The addition of the mid-block street will add alternative driving routes to residents of the surrounding area and will provide alternative access for emergency vehicles.

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

Out dated utilities will be updated and upgraded to service the proposed development as well as provide more capacity through the upsizing of utility lines that provide service for the surrounding neighborhood. Storm water facilities will be designed and installed to insure that no flooding occurs during storm conditions. The street will be privately maintained thereby releasing the city of any obligations to maintain or operate the street.

The waiver shall not create an unsafe situation.

The resulting street configuration will serve to protect the city grid system and aid in the calming of local traffic within the area, while discouraging “cut-through” traffic to the surrounding neighborhood. The street grid will be preserved and access to the area will be improved. The reduction of the Right-of-Way will require the narrowing of the lanes to be unitized as one of the traffic calming methods within the project. Different paving patterns will also be utilized to facilitate traffic calming. The street will create a “safety corridor” that will enable law enforcement to clearly observe large areas within the project which will contribute to the level of safety for all users within the neighborhood. The request states that the reduction is from 60 feet wide to 30 feet wide. In addition to the roadway area there will be a 10’ wide arcade running along the south side of the proposed street. Inclusion of the arcade will essentially result in of a much wider Right-of-Way with sidewalk along both sides of the street. Also, the sidewalk within the arcade is shaded and is protected from vehicular traffic by the supporting columns and provides a pedestrian friendly streetscape that will contribute to the quality of life for the citizens utilizing the project as well as the future residents of the development and the surrounding neighboring residents.

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. The purpose of the waiver will permit the installation of a mid-block street that could be introduced into any number of development projects within the city. Therefore, no special privilege would be granted by approving this waiver request.

Request for waiver of LDR Section 6.1.3(B)(f) – Sidewalk Width

This request is to reduce the sidewalk width from the required 8 feet wide in the Central Business District to 6 feet wide. Required findings are as follows:

The waiver shall not adversely affect the neighboring area.

The granting of the waiver will not adversely affect the neighborhood. Granting of this waiver will permit the inclusion of a mid-block pedestrian ingress/ egress into the development providing access to various destinations within. The sidewalk provides an alternative pedestrian connection for the future residents of the adjacent buildings and the current residents of the surrounding area. In addition, on the south side there will be a 10 foot wide arcade thus providing a total of 16 feet of combined width of sidewalk along the street, 10 feet on the south side and 6 feet on the north side.

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

The sidewalk will have no impact on existing or proposed utilities. Storm water facilities will be designed and installed to insure that no flooding occurs during storm conditions. The sidewalk will be privately maintained thereby releasing the city of any obligations to maintain it.

The waiver shall not create an unsafe situation.

The addition of the mid-block sidewalk will create a “safety corridor” that will enable law enforcement to clearly observe large areas within the project which will contribute to the level of

safety for all users within the neighborhood. Providing this additional sidewalk puts additional eyes on the street which provides natural surveillance by its users.

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. The purpose of the waiver will permit the installation of a mid-block sidewalk that could be introduced into any number of development projects within the city. Therefore, no special privilege would be granted by approving this waiver request.

Request for waiver of LDR Section 4.4.13(F)(4) – Setbacks

This request is to reduce the setbacks as a result of the addition of the mid-block street within the previously approved courtyard. Required findings are as follows:

The waiver shall not adversely affect the neighboring area.

The granting of the waiver will not adversely affect the neighborhood. Granting of this waiver will permit the inclusion of a mid-block street into the development providing access to various destinations within. The building setbacks related to this waiver request are internal to the development and will not be discernable from the surrounding public thoroughfares or neighboring areas. The associated sidewalk provided an alternative pedestrian connection for the current residents of the surrounding area.

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

The reduction of setbacks will have no impact on existing or proposed utilities. Storm water facilities to drain the street will be designed and installed within the roadway to insure that no flooding occurs during storm conditions. No utilities will be installed within the reduced setback area.

The waiver shall not create an unsafe situation.

The reduction of setbacks will not create an unsafe condition as there is no direct access through the setback areas. Since there is no direct access, the reduction of the setbacks will not further diminish or 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. The reduction of internal setbacks could be introduced into any number of development projects within the city. Therefore, no special privilege would be granted by approving this waiver request.

Request for waiver of LDR Section 4.6.18(B)(14)(2)(iv) – Display Windows

This request is to reduce the minimum glass surface area from 75% to 37.5% for the building face that is adjacent to the south side of the proposed mid-block street within the proposed arcade. Required findings are as follows:

The waiver shall not adversely affect the neighboring area.

The granting of this waiver will not adversely affect the neighborhood. The subject wall is internal to the development and will be further masked by the colonnade of the arcade.

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

The granting of this waiver request have no impact on existing or proposed utilities or public facilities.

The waiver shall not create an unsafe situation.

The requested waiver is in relation to the amount of glass vs. solid wall along the façade of the building which 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. The granting of the waiver could be introduced into any number of development projects within the city. Therefore, no special privilege would be granted by approving this waiver request.

As per the above stated waiver requests and associated findings, it has been demonstrated that the waivers will not adversely affect the neighboring area, significantly diminish the provision of public facilities, create an unsafe situation and/or result in the grant of a special privilege in that the same waivers would be granted under similar circumstances on other property for another applicant or owner. Therefore, positive findings with respect to LDR Section 2.4.7(B)(5) Waiver Findings, can be made and the request for the above waiver can be approved. The above meets or exceeds the requirements of LDR Section 2.4.7(B)(5) for these waiver requests and by granting these waivers, a superior development will be achieved.

Sincerely,
Covelli Design Associates, Inc.



Michael J. Covelli, ASLA/ AICP