

Mr. Patrick A. Figurella, PE
City of Delray Beach
434 S. Swinton Avenue
Delray Beach, Florida 33444

September 29, 2023

Re: S.E. 1st Street – Request for Right of Way Reduction

Dear Mr. Figurella,

Please accept this request for right of way reduction in response to the Development Services TAC comment number 19 received August 22, 2023 in connection with the request to dedicate additional right of way for SE 1st Street resulting in an ultimate right of way width of 55 feet. The TAC comments would result in an additional 2.5 feet of right of way be dedicated on each side of SE 1st Street. As per Table MBL-1 “Street Network Classification and Improvement” SE 1st Street is to have an ultimate right of way width between Swinton Avenue and SE 6th Avenue of 55 feet.

Looking at the built condition of the roadway related to the orientation of existing building, there are buildings built to the right of way line which would need to be torn down to dedicate the additional right of way. Olio restaurant is one example and the Ride Delray Building on the opposite corner at SE 2nd Avenue is another example. The buildings on the north side of SE 1st Street on the east and west side of SE 4th Avenue are also built to the sidewalk. Acquiring all of the right of way for a width of 55 feet for this corridor will be difficult and may not happen for a long time if at all. Further, searching the city standards there does not appear to be a standard roadway cross section for a 55 foot wide right of way and if it did exist it is unlikely the lane configurations would be any different from a 50 foot wide right of way which exists throughout the entire city.

Specifically, in relation to the Sundry Village Bock 69 and 70 sites, the site plan has been certified since the summer of 2018 and a replat was processed and recorded in April of 2022. The plat had 10 additional right of way parcels that were dedicated by the plat. At no time was a comment ever made related to the dedication of additional right of way on SE 1st Street even though corner clips were requested at the intersections along SE 1st Street. To have additional right of way requested in the third round of site plan comments after site plans have been prepared based on comments received in two precious reviews by staff (buildings construction plans have also been completed) creates a hardship.

The design of the Block 70 building (south side of SE 1st Street) incorporates an arcade in the building design which is fronting on SE 1st Street. Keep in mind the LDRs require the arcade to be 2-5 feet behind the curb which is located within the right of way. The face of the columns are 4 feet south of the curb for the particular design of the Block 70 building or 8'-11" north of the right of way line. Dedicating additional right of way that falls within the arcade serves no purpose for future roadway expansion and therefore should not be requested for the south side of SE1st Street. On the north side of the street (Block 69) there is a series of very large power poles

between the curb and the sidewalk. If the right of way was to be dedicated along the entire north side of SE 1st Street the right of way could not be utilized to expand the street because the power poles which carry very high voltage would have to be relocated to the north. No significant roadway improvement different than the current 50 foot wide right of way roadway can be achieved by adding 2.5 more feet of right of way. Therefore, please accept this request to reduce the right of way from 55 feet wide to 50 feet wide as it currently exists.

Pursuant to Section 5.3.1(A)(7) of the Land Development Regulations, this letter shall serve as a formal request to reduce the request for dedication of an additional 2.5 feet of right of way on each side of SE 1st Street (55') to no additional right of way being dedicated (50') based on the following:

The LDR code section reads as follows:

*(7) Reduction in width. A reduction in the required right-of-way width may be granted by the body having the approval authority of the associated development application in developments in which new streets are created. **For existing streets, reductions in right-of-way width may be granted by the City Engineer upon a favorable recommendation from the Development Management Services Group (DSMG).** Reductions in the required right-of-way width may be granted pursuant to the following:*

As per the above section, please schedule this item on an available DSMG meeting to be evaluated and make a recommendation to the city engineer. A favorable recommendation will then permit the City Engineer to grant the request for reduction.

- (a) The reduction is supported by the City Engineer. Nonsupport by the City Engineer may be appealed to the City Commission*

This section is acknowledged should the City Engineer or DSMG not support the request for reduction the item will be taken to City Commission.

- (b) That requiring full dedication would constitute a hardship in a particular instance and that all required improvements will be provided in a manner which will not endanger public safety and welfare*

The additional right of way is not necessary as a 55 foot wide right of way will not have any difference in the lane configuration as is currently existing in the 50 foot right of way. Existing constraints that include buildings built to the right of way line, the proposed arcade, and encroaching power poles will make utilization for expansion of the entire section of roadway between SE 6th Avenue and Swinton Avenue difficult if not impossible. The dedication of the full right of way will not make the roadway any safer for the general public and therefore, should not be requested.

- (c) That acceptable, alternative provisions are made to accommodate features which would otherwise be accommodated within the right-of-way e.g. alternative drainage systems, alternative pedestrian walkways, alternative on-street parking, etc.*

The proposed site plan for Block 70 on the south side of SE 1st Street provides an enhanced pedestrian experience with the arcade which provides shade and protection from rain as well as providing separation and protection from the vehicles in the adjacent vehicular travel lanes. This improvement is provided without dedicating the additional right of way. The site plan for Block 69 on the north side of the street expands the on street parking by providing 3 parallel parking spaces. The pedestrian experience is also enhanced by the parallel spaces providing an increased separation between the sidewalk and the vehicular travel lanes as well as providing a physical separation when there are

vehicles parked in the parallel parking spaces. Additionally the sidewalk is proposed to be expanded to the front of the building which will provide a larger pedestrian area and the ability to walk under the building overhang during rainy weather.

Based on the above narrative which confirms no degradation of travel lanes, increased parallel parking, and increased pedestrian safety and comfort, (as per Section 5.3.1(A)(7) as quoted above) I am requesting this item for reduction of the right of way dedication be placed on the next available DSMG meeting. I respectfully request that DSMG make a recommendation to the City Engineer for reduction of the right of way.

If you have any questions or require additional information, please feel free to call.

Sincerely,
Covelli Design Associates

A handwritten signature in blue ink, appearing to read "Michael Covelli", written over a light blue horizontal line.

Michael Covelli, AICP/ ASLA
President