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February 17, 2025

City of Delray Beach, Development Services  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, Florida 33444

**RE: The Maxwell  
306 NW 2<sup>nd</sup> Avenue  
Delray Beach, FL 33483  
DEC# 4212-99-001**

**The Maxwell – Waiver Request Justification Statement – Landscape Strip**

306 NE 2nd Street, LLC (“Applicant”) is the owner and developer of the +/- 0.86-acre parcel located at 306 NE 2nd Street (PCN: 12-43-46-16-01-090-0250) (“Property”), which is generally located north of Railroad Street and at the northeast and southeast corner of NE 4th 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 as a commercial use. Applicant is proposing to redevelop the Property with a mixed-use building that consists of 23 condominium units and 2,651 SF commercial space (“Project”). The proposed Project is compatible with the surrounding area, with similar multi-family communities located to the south and east of the Property.

In order to develop the Project, the Applicant is seeking three (3) waivers from the City’s Land Development Regulations (“LDR”) CBD requirements. This waiver request justification is related to the required landscape strips.

**Landscape Strip**

Additionally, the applicant is requesting a waiver from **Section 4.6.16(H)(3)(a)** to reduce the western and northern landscape strips in the parking lot from the required 5’. The proposed landscape strips are as follows:

- 1.4’ along the western property line adjacent to the reserved parking stalls (see Figure 1 below)
- 2.3’ along the western property line adjacent to the regular parking stalls (see Figure 2 below)
- 4.3’ along the western property line adjacent to the compact parking stalls (see Figure 2 below)
- 0.0’ along the western property line adjacent to the EV parking concrete pad (see Figure 2 below)
- 4.8’ along the northern property line (see Figure 2 below)

The parking lot is located on the side of the property that is north of NE 2<sup>nd</sup> Street and east of the Florida East Coast (“FEC”) Railway right-of-way, the Property is 50’ wide in this area. Given the

width of the Property, the Applicant is seeking to provide the required 24' wide drive aisle and 18' deep parking stall for 90° parking, as well as the required 5' landscape strip on the eastern side of the Property. In addition, the required landscape strip on the western side of the Property is adjacent the FEC right-of-way and effectively does not screen any adjacent residential, commercial, or industrial property as the FEC right-of-way is 100' wide.

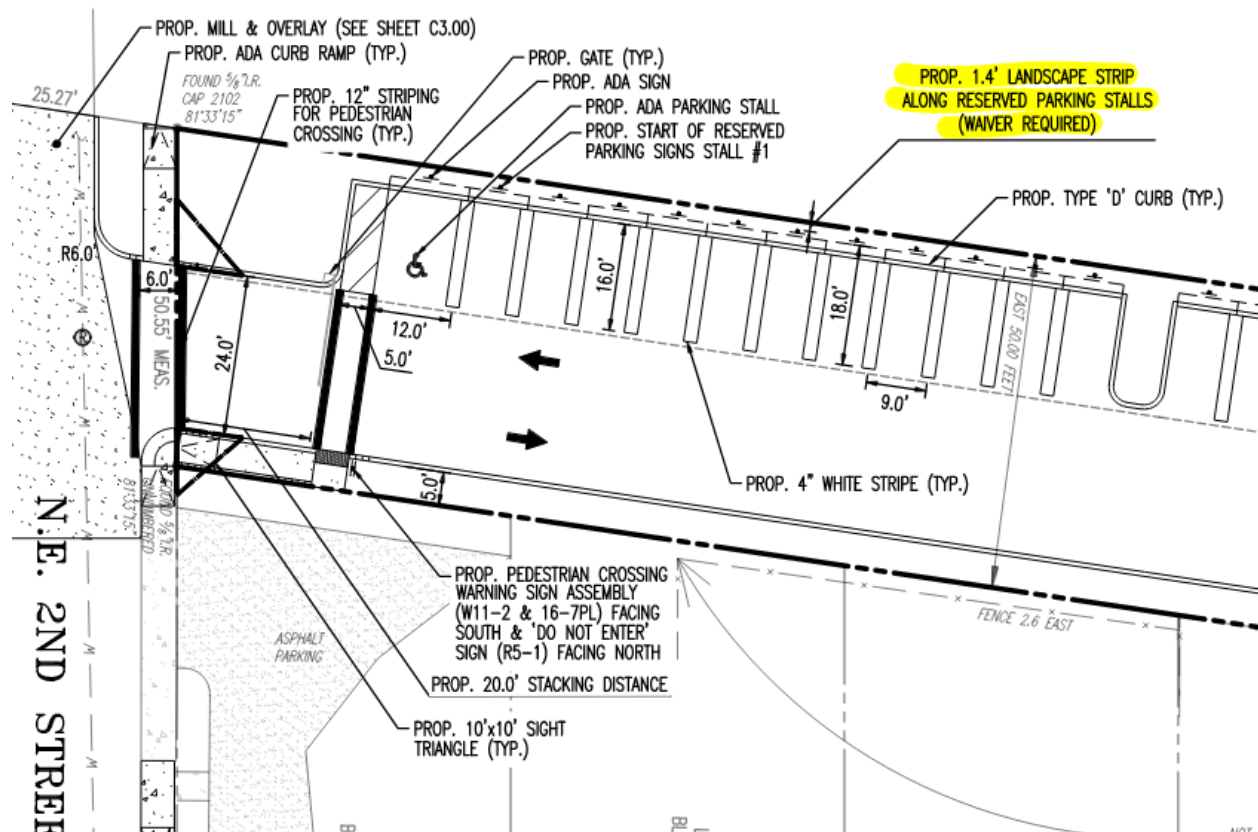


Figure 2

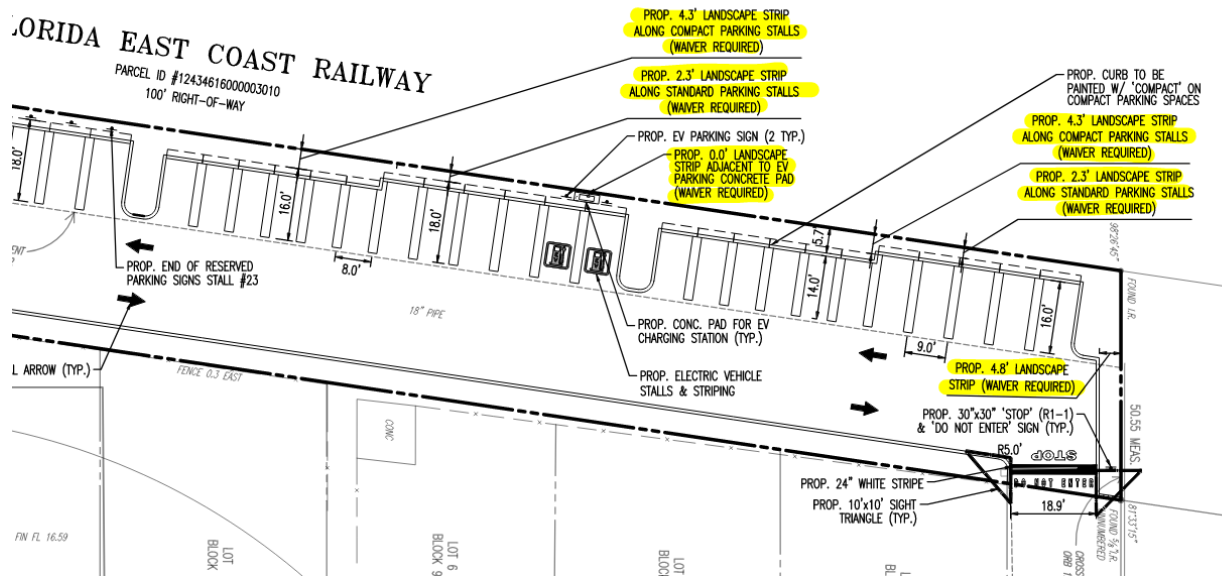


Figure 3

**Waiver from Section 4.6.16(H)(3)(a) to reduce the western and northern landscape strips in the parking lot from 5' to 0.0', 1.4', 2.3', 4.3', and 4.8' as outlined above and shown on the Figures.**

(a) The waiver shall not adversely affect the neighboring area.

The waiver will not adversely affect the neighboring area. The Applicant is seeking a reduction of the required landscape strip along the side of the property abutting the FEC Right-of Way, which currently is buffered with vegetation within the FEC Right-of-Way. The Project proposes the required landscape strip and associated vegetation for the side directly adjacent to other properties and vehicle use areas (eastern side of the Property), which is consistent with the existing condition and **Section 4.6.16(H)(3)(a)**. Additionally, the current conditions of the Property's parking lot do not have any landscaping on the northern side, which the Project proposes to add a  $\pm 3.6'$  landscape strip.

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

The waiver will not significantly diminish the provision of public facilities. As discussed above, the FEC Right-of-Way is heavily buffered within their property and the Applicant will not diminish the buffering that currently exists. The Project proposes a landscape strip that complies with the requirements of **Section 4.6.16(H)(3)(a)** for the eastern side, where other properties and vehicle use areas exist.

(c) The waiver shall not create an unsafe situation.

The waiver will not create an unsafe situation. The Applicant is seeking to reduce the landscape strip width requirement to be able to provide sufficient parking for the development. The Projects complies with the minimum parking space dimensions required in order to safely serve the parking needs of the users of both the residential and commercial uses of the development.

(d) The waiver does not result in the grant of special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The waiver will not result in the grant of special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. The Property's geometry does not allow to have the minimum required parking for this type of development, and other properties with similar space limitations would also have to request waivers for at least one of the parking lot dimensions required. The Applicant is requesting to allow a smaller landscape strip on the side where the buffer is the least impactful, which in this case is the side abutting the FEC Right-of-Way.

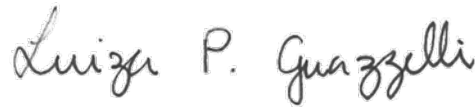
Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Sincerely,

**DYNAMIC ENGINEERING CONSULTANTS, PC**



Michael D. Miles, PE  
Regional Manager / Senior Principal



Luiza P. Guazzelli, PE  
Project Manager