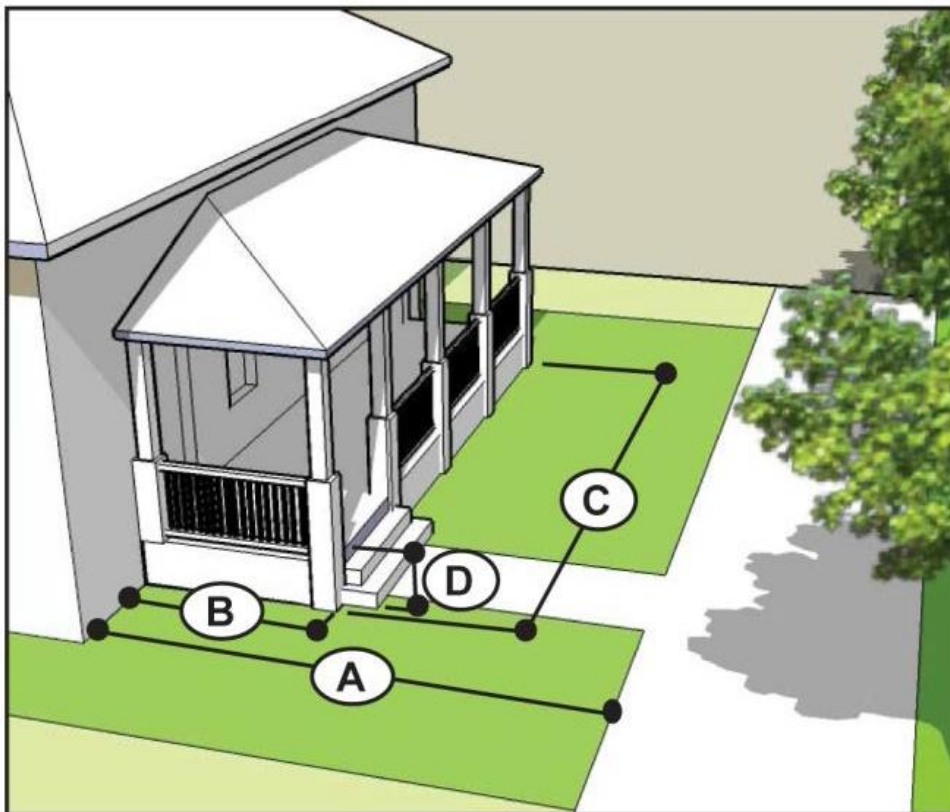


CITY CENTER DELRAY WAIVER REQUEST JUSTIFICATION
Modified 6.9.22

Pursuant to LDR Section 2.4.7 (B)(5), the Applicant , MDG Banyan Delray Partners, LLC requests a waiver from LDR Section 4.4.13 (C)(3)(a)(2a) to allow the proposed porch Frontage type along Atlantic Avenue instead of an Arcade Frontage type.

The LDR section restricts frontage types on streets with Required Retail Frontage, buildings and uses at the sidewalk level shall be either a Storefront or Arcade with a Storefront. See [Section 4.4.13\(E\)](#).

The proposed porch does conform to the dimensional requirements for Porches as outlined in Table 4.4.13(E). Refer to the Site Plan A0.22. The porches are between 10' and 15' setback (A) from the property line. The depth(B) is between 8' and 12'. The width(C) is more than 40% of the façade (100% maximum). The floor elevation(D) is more than .5' and less than 4'. The porches do not encroach more than the maximum of 8'. They do not encroach into the curb or pedestrian zone.



The project design proposes the porch as a safe, accessible, energy efficient, sustainable superior pedestrian experience. The request is based on several factors.

- 1) The design of an arcade is permitted, however, FDOT restrictions do not allow any encroachment into their ROW. The covered porch is not in the FDOT ROW. The proposed porch frontage complies with the streetscape requirements.
- 2) The minimum floor elevation for FEMA for the entire project is the same as Docs at elevation 19.30' N.A.V.D. The main ADA access from the civic open space is provided to the retail space entries seamlessly. The height difference along Atlantic Ave from the sidewalk level to the required retail floor level increases as you proceed west towards NW 1st Ave. The porch creates a continuous ADA path to the retail, so it would also be used for pedestrian access as well as retailers to display merchandise under the shaded covered porch. The maximum level change is 2 feet.
- 3) The large expanse of required (80% of facade) storefront glass faces south which is a problem for retailers because the sun's UV damages the merchandise. The shaded covered porch provides UV protection for the merchandise as well as an inviting and protected area for pedestrians as future customers.

The appearance of an allowable arcade frontage is similar to a porch frontage with the exception that the porch can be 8 feet wide and the minimum width of an arcade is 10 feet. The porch frontage accommodates the required elevation difference between the sidewalk and the FEMA required higher elevation of the retail spaces.



The adjacent diagram fig. 4.4.13-E-13 Arcade Frontage Type from the LDR's shows the sidewalk at the same elevation at the retail space. This is not possible when the building floor elevation has to be higher than the sidewalk. This occurs all along Atlantic Ave. There is no reference to floor elevation in the dimensional requirements for Arcade.

Per LDR 4.4.12 (K)(2)(a-d), The waiver requested for the proposed Porch Frontage :

(a) will not adversely affect the neighboring area (should enhance them).

(b) Will not significantly diminish the provision of public facilities (should not diminish public facilities at all)

(c) Will not create an unsafe situation (should improve pedestrian 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 location has an extra wide sidewalk width in the FDOT right-of-way)

The renderings along Atlantic Ave. depict the potential enhanced pedestrian experience to activate and attract pedestrians to connect the East Downtown with the West Downtown.

The Applicant respectfully requests the approval of the described waiver for this project.

Respectfully yours,



John W. Szerdi
President, FI AR#7991