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City of Delray Beach
Planning & Zoning

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September 26, 2016

Candi Jefferson, Senior Planner
Planning and Zoning Department
City of Delray Beach
100 N.W. 1st. Avenue
Delray Beach, Florida 33444

RE: Waiver Request LDR Section 4.6.16(H)(3)(d)
Project: The Lisa Building
Class V Site Plan Application
Property Location: 47 SE 5th Avenue Delray Beach FL.

Dear Ms. Jefferson:

As agent for and on behalf of **104-106 Delancey Realty LLC** the owner of the above premises, we hereby submit this Waiver Request with respect to the above Land Development Regulations (LDR) in connection with the above referenced Class V Site Plan application.

Background:

The Project consists of the new construction of a one-story building with five (5) commercial retail stores (bays) with an approximate size of 8,000 square feet located in the Central Business District (CBD) at 47 SE 5th Avenue Delray Beach FL and to be known as The Lisa Building ("Building")

LDR Requirement:

LDR Section **4.6.16(H)(3)(d)** requires a five foot (5') wide perimeter landscape buffer is required adjacent to a vehicular use area.

Waiver Request:

To eliminate the specified LDR Landscape requirement for five foot (5') wide perimeter landscape buffer adjacent to a vehicular use area on the North and South property line of the proposed site. The applicant proposed to reduce the width of the landscape buffer to one (1') foot.

Waiver Justification:

The Waiver Request is justified for the following reasons:

Due to the alley Right of Way dedication that the Applicant has been asked to provide for this Project and the limited lot size the waiver is deemed necessary to adequately accommodate the on-site parking configuration. It should be noted that by dedicating a two (2) foot right of way to the City in connection with this project it increase the width of the current public alley right of way.

- (a) Approval of the waiver shall not result in an inferior pedestrian experience because neither location is along a Primary Street. The buffer to the North is along the alley. The buffer to the South abuts an interior lot. Additionally a pedestrian walkway has been provided along the length of the south side Building to provide a safe pedestrian walkway.
- (b) The waiver also has no effect on any civic open spaces since none are provided.
- (c) Granting the requested waiver will not have an adverse effect on the neighboring area and will not create an unsafe condition because the adjacent land uses to the north and south are also commercial. To the East the parking row is also buffered by an existing 16' alley.
- (d) The Waiver Request does not create an unsafe condition or situation as there is sufficient space still provided at the end of each parking row.
- (e) The Waiver Request does not grant special privilege in that the same waiver has and would be granted under similar circumstances on other property for another applicant or owner. Given that there are many existing properties located in the Central Business District (CBD) which do not have a 5' foot landscape buffer adjacent to a vehicular use areas the same waiver would be granted under similar circumstances on other property for another applicant or owner and would not create a special grant or privilege.

Based on the foregoing, we request this Waiver Request from LDR Section **4.6.16(H)(3)(d)** be granted in connection with the subject Site Plan Application as justified above.

We have enclosed a check for the Waiver Request fee payable to the City of Delray Beach.

LOUIS J. CARBONE, P.A.

By: 

LOUIS J. CARBONE

LJC/aja
cc: 104-106 Delancey Realty LLC
File