

August 11, 2017
March 13, 2018 *REV*



Mr. Scott Pape
Senior Planner
City of Delray Beach
Planning and Zoning Department
100 N.W. 1st Avenue
City of Delray Beach, FL 33444

Urban Planning and Design
Landscape Architecture
Communication Graphics

**RE: PALM TRAN SOUTH FACILITY EXPANSION
WAIVER REQUESTS
UDKS REF #12-080.001**

Dear Mr. Pape:

On behalf of the applicant, Palm Beach County (PBC), please accept this letter as our formal request for two (2) waivers to the City of Delray Beach's (City) Land Development Regulations (development regulations) for the Palm Tran South Facility Expansion in association with the requested Conditional Use Amendment, Class IV Modification Site Plan, ROW Abandonment, and Final Plat application requests.

The first of the two (2) waivers being requested is from Section 4.6.9(D)(3)(c)(2) of the City's land development regulations. The Section requires a 100' stacking distance from all security gates. Proposed is secured ingress to the new parking lot to be developed on the recently acquired property on the south side of NW 1st Street. This new parking lot will provide parking for PalmTran employees only. The applicant is proposing to provide for thirty (30) feet of the required stacking on the site, and seventy (70) feet of the required stacking is proposed to be provided within the ROW of the adjacent relocated cul-de-sac. It is the intent of the applicant to meet the 100' stacking using area on site and within the cul-de-sac as shown on the Site Plan. In that this is a secured employee only parking lot, the applicant is confident that vehicular stacking within the cul-de-sac, for the purposes of meeting the requirement, can be controlled by Palm Tran to ensure that at no time are employees blocking any drive belonging to adjacent/neighboring property owners to the east or circulation to and from the Palm Tran facility. The guardhouse will be manned at all times and this will allow for the gate to be manually controlled if necessary to facilitate access.

The second waiver requested is from Section 4.6.16(H)(3)(k) of the City's land development regulations. The Section requires a five (5) foot wide landscape strip be located between abutting parking tiers with continuous row of two (2) foot hedge. The applicant is requesting to waive these requirements for the proposed southernmost row of head-to-head parking located within the employee only parking lot. Palm Beach County has an established design criterion for their sites that calls for providing twenty (20) foot deep parking spaces. Palm Tran wishes to not deviate from this criterion, and to allow for the condition as shown on the development plans. Additionally, half of the parking

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row in question is planned to incorporate a future covered parking canopy which would further restrict the planting of landscape materials and be an impediment to the successful growth of shrubs or groundcover.

In summary, the applicant is requesting the following waivers:

ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE
4.6.9(D)(3)(c)(2)	100' stacking distance from all security gates	Provide for 30' of stacking on the site and 70' of stacking within the adjacent ROW	70'
4.6.16(H)(3)(k)	Minimum 5' median Row of 2' hedge	Eliminate a 5' wide median Eliminate hedge	5' Row of 2' hedge

WAIVER ANALYSIS

The applicant provides the following criteria justification for *Section 4.5.1(E)(3)(b)1.a. Buildings, Structures, Appurtenances and Parking. Parking*

Pursuant to LDR Section 2.4.7(B)(5) – Waivers, Findings: *Prior to granting waivers, the approving body shall make a finding that the granting of the waiver:*

(a) Shall not adversely affect the neighboring area;

The granting of the waiver to provide for seventy (70) feet of the required stacking in the adjacent ROW will not adversely affect the adjacent property owners. NW 1st Street dead-ends in this location. The street does not continue through to the west and is not a through street. The cul-de-sac is needed for turnaround movements however there is a minimal amount of non-Palm Tran related traffic that uses the western portion of the street. Palm Tran facilities are located along the entire length of the street on the north. The expansion to the Palm Tran parking area is proposed along the western limits of the street on the south side. There are only two other points of access along the south side of the street, both located further to the east and not impacted by the proposed stacking in the cul-de-sac. These neighboring properties will continue to have full and unencumbered access to the street. There remains 24 feet of pavement north of the end of the 100 feet of stacking, if measured directly in a north-south direction, that allows for two-way traffic to circumnavigate the stacking area in the event that there ever is a total of 100 feet of stacking necessary, which is not anticipated as the Palm Tran employees arrive at different times throughout the early morning, day and evening hours. Granting of this waiver will not impact the surrounding property owners.

The granting of the waiver to allow for the elimination of the required five (5) foot landscape median and continuous row of two (2) foot hedge will not adversely affect the neighboring area. The waiver will apply to an area within the secured employee parking lot and therefore not visibly evident to any adjacent land owner. The applicant is proposing a five (5) foot high continuous hedge and up to an eight (8) foot high fence around the perimeter of the property which fully eliminates any potential adverse effects on the neighboring area.

(b) Shall not significantly diminish the provision of public facilities;

The granting of these two waivers does not significantly diminish the provision of public facilities. The overall request of the applicant is to provide for the anticipated increase of the need for public transportation in Delray Beach and the south County region. By granting the two waivers requested, the applicant will be able to provide for the number of employees anticipated over the course of the ultimate program for the facility as the ridership increases. No other public facilities are diminished as a result of these waiver requests.

(c) Shall not create an unsafe situation; or

As stated above, the granting of the waiver to provide for seventy (70) feet of the required stacking in the adjacent ROW does not create an unsafe situation. NW 1st Street is a dead-end street that services the Palm Tran site and adjacent industrial uses. The majority of the vehicular traffic using the cul-de-sac will be accessing Palm Tran facilities only as the other businesses are east of the site. The applicant has taken care to provide the proposed seventy (70) foot of stacking in a manner which will not hinder or create an unsafe situation for other users of the street, and which will allow for two-way through traffic in the event that 100 feet of stacking is ever needed. The secured parking lot serves Palm Tran employees only. Palm Tran operates on shifts, with some shifts arriving in the very early morning hours. Shifts are staggered and it is not anticipated that there will be a significant back up of employees stacked to enter this parking lot. As indicated on the Site Plan, the stacking dimension is shown in a north-south direction, which would be the most conservative alignment. The cul-de-sac allows for vehicles to queue within it so as not to create an unsafe circulation for Palm Trans employees, visitors, bus circulation, or that will impact adjacent businesses and property owners.

The granting of the waiver to allow for the elimination of the required five (5) foot area separation median and continuous row of two (2) foot hedge also does not create an unsafe situation. As noted, the waiver will apply to an area within the secured employee parking lot. The applicant has provided for the necessary separation between the parking rows proposed along with wheel stops for the safe maneuvering and parking by their employees. Adequate landscape area is provided within the parking area and around the

perimeter to aid in directing traffic and providing for maneuverability to safely access the parking spaces.

(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.

Approval of these waiver requests do not result in the granting of a special privilege to the applicant and the same would be granted under similar circumstances for another applicant based upon adequate justification. This is a unique use already established in an industrial area. Expanding the facilities in this location to better serve south County residents is preferred to dividing the facilities amongst various sites. This request to waive Sections 4.6.9(D)(3)(c)(2) and 4.6.16(H)(3)(k), or portions thereof, will allow the applicant to provide for the required employee parking needs City of Delray Beach residents and the surrounding region.

We hope the justification provided adequately addresses the standards for review and supports the Waiver requests. Should you have any questions regarding the attached materials, or require any additional information, please let me know.

Respectfully submitted,
Urban Design Kilday Studios



Sandra J. Megrue, AICP
Planner

cc: Anil Patel, PBC CID
Miradieu Aubourg, PBC CID
Charles Frazier, Palm Tran
Joe Colome, Colome & Assoc.