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September 1, 2017

Mr. Tim Stillings
Director, Planning and Zoning
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444

Re: Formal Letter of Request of Waiver

Dear Mr. Stillings:

Please accept this letter, along the enclosed fee of \$500.00, as a formal request for waiver of the minimum floor area requirement found in Section 4.4.12(F)(2), Delray Beach Land Development Regulations (LDRs). We request the waiver for the property located at 500 W Linton Boulevard, Delray Beach, Florida ("New Century Commons").

Section 4.4.12(F)(2) establishes a minimum floor area of six thousand (6,000) square feet for any free-standing structure in the Planned Commercial (PC) District. My client, NCC Rosebud Two, LLC, the owner of New Century Commons, wishes to separate the building currently occupied by PNC Bank ("bank parcel") from the existing shopping center. The bank parcel, which is located on the northeast section of the New Century Commons shopping center, is under 6,000 square feet in size, which would mean that Section 4.4.12(F)(2) would present a barrier to the proposed separation. Accordingly, we request a waiver of this Section of the LDRs in order to allow separation of the bank parcel.

A waiver of the minimum floor area requirement is the only avenue of relief available in the LDRs with respect to this particular requirement. The waiver is justified for the following reasons:

- I. Grant of the waiver will not adversely affect the neighboring area.

There will be no adverse effects to the neighboring area from the waiver. The existing property is already built out, and this waiver will not directly affect the site or the area.

II. Grant of the waiver will not significantly diminish the provision of public facilities.

There will be no change in the use of the property, thus there will be no change in the provision of public facilities.

III. Grant of the waiver will not create an unsafe situation.

Nothing in this request for a waiver has any potential to create an unsafe situation. The building at issue has already been built, and this will not change after the waiver.

IV. Grant of the waiver will not result in the grant of a special privilege.

There will not be any special privilege granted by approval of this waiver. We expect that a similar waiver would be granted under similar circumstances on other property for another applicant or owner. As discussed above, this is an already built out parcel that requires a waiver to comply with the square footage minimum.

Thus, we respectfully request that a positive finding be made with respect to LDR Section 2.4.7(B)(5), Waiver Findings, based upon the justifications set forth herein and that this waiver be approved.

If I can provide any additional information, please contact my office.

Very truly yours,

SACHS SAX CAPLAN

/s/ Michael S. Weiner

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