



February 25, 2021

Development Services Department
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444

RE: CRA Project: 95 SW 5th Avenue – Waiver Request: Justification Statement

To Whom It May Concern:

Please accept this letter on behalf of the Delray Beach Community Redevelopment Agency (Delray Beach CRA), respectfully requesting the approval of a waiver from the Delray Beach Land Development Regulations (LDR), LDR Sections 4.4.13(D)(2)(a)1 Table 4.4.13 (C) subsection A.

The subject property is located within the Delray Beach Community Redevelopment District at the northeast corner of SW 5th Avenue and SW 1st Street, more specifically 95 NW 5th Avenue, Delray Beach, FL 33444 (PCN:12-43-46-17-06-029-0280). Consisting of approximately 1.77 acres, the property has a land use designation of Commercial Core (CC) and a zoning designation of Central Business District (CBD). As part of the Delray Beach CRA's mission to eliminate slum and blight, as well as The Focus on 5th Initiatives, the Delray Beach CRA purchased the property for redevelopment purposes and is proposing to construct a new freestanding 9,981 square foot two-story mixed-use commercial/office building. Currently, the property is vacant with the exception of a small paver parking lot.

Per Section 5.3.1 of the City's LDR's, "a right-of-way dedication will be required at all intersections in the Central Business District," and "this right-of-way dedication will be referred to as a 'corner clip'". In addition, pursuant to Section 4.4.13(F)(8)(d) of the LDR, a minimum ten foot (10') front building setback from the property line to exterior façade of the building is required within the CBD. Due to the existing site conditions and limitations, the following waivers are being requested concurrently with the request for a Class V Site Plan (2020-133):

1. Ground Floor: Relief from the required 10' Setback/Waiver Request: 6'- 6".
 - Request: LDR Section: LDR Sections 4.4.13(D)(2)(a)1 Table 4.4.13 (C) subsection A.
 - Southwest corner along the new property line created by the required corner clip right of way dedication.
2. Second Story: Relief from the required 10' Setback/Waiver Request: 0'-0".
 - Request: LDR Section: LDR Sections 4.4.13(D)(2)(a)1 Table 4.4.13 (C) subsection A.
 - Southwest corner along the new property line created by the required corner clip right of way dedication.

This request is the minimum necessary to redevelop the property and meet the current and applicable code requirements. The approval of this request will not negatively impact the surrounding area in any way, in fact, the construction and use of this building will have a positive impact on the adjacent properties and surrounding area. Once completed, the redevelopment of 95 SW 5th Avenue will not only provide a beautiful building and landscaping that meets the current Delray Beach LDR and FBC, but also, provide much needed affordable commercial/office space for the community. By redeveloping the property, the Delray Beach CRA will further its mission to eliminate slum and blight.

Sec. 2.4.7.(B)(5) – Procedures for obtaining relief from compliance with portions of the Land Development Regulations.

Findings. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

(a) Shall not adversely affect the neighboring area;

Response: Granting the waiver will be in harmony with the general purpose and intent of the existing regulations, it will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Through the redevelopment of the property, the property will be redeveloped to include the construction of a new free standing two-story commercial and office building and off-site improvements, including, but not limited to additional landscaping, lighting, and a covered bus shelter. This will be a positive attribute to the area and an opportunity to stabilize the area, making it more attractive and safer for the community.

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

Response: Granting the waiver will not diminish the provision of public facilities in any way. The proposed building and public facilities are an improvement through this redevelopment project. The Delray Beach CRA is committed to its mission to eliminate slum and blight making improvements to infrastructure and public spaces.

(c) Shall not create an unsafe situation; and,

Response: Granting the waiver will not create an unsafe situation. In fact, the redevelopment of this property, will increase the safety of the site and surrounding area, by providing a newly constructed office building, additional lighting, and improvements within the adjacent right of way. The redevelopment of the property has incorporated CPTED design elements that assist with creating a safe environment and will be constructed to the current Delray Beach LDR and FBC.

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

Response: The property is located within the CBD. Granting this waiver will not confer any special privileges provided under the same zoning designation. Due to the property size and existing site conditions, the requested waivers are not considered to be unreasonable. The request will not provide any special privileges to the property; only allow the applicant to meet the current LDR and FBC requirements required to redevelop the property to its highest and best use.

Within the CBD the following standards shall be used by the City Commission, SPRAB or HPB when considering waiver requests, in addition to the findings in Section 4.4.13(k)(5)(b)2: (Ord. No. 19-18, § 11, 10-16-18):

(a) The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.

Response: The requested waivers will not in any way diminish the pedestrian experience along a primary street. The redevelopment of the property will only enhance the area and bring the property into compliance with the current LDR and FBC, thus, improving the pedestrian experience on and adjacent to the site.

(b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.

Response: The requested waivers will not in any way diminish the character of the area. The subject property is within the Delray Beach Community Redevelopment Agency District. The mission of the District is to eliminate slum and blight. The proposed project, once completed, will enhance the area and attract future private investment. Further, the project has a zoning designation of CBD and complies with the architectural guidelines within the district and is complimentary and compatible to the area.

(c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.

Response: The requested waivers will not in any way erode the connectivity of the street and sidewalk network in any negative way. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.

(d) The waiver shall not reduce the quality of civic open spaces provided under this code.

Response: The requested waivers will not in any way reduce the quality of civic open space within area. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.

If you have any questions or would like to discuss the project further, please contact me directly at (561) 276-8640.

Sincerely,

Tara Toto
Redevelopment Manager