



**MEETING AGENDA
DEVELOPMENT SPECIAL
MAGISTRATE
CITY OF RIVIERA BEACH, FL**

LOCAL PLANNING AGENCY
Development Services Department: (561)845-4060,
www.rivierabch.com

Commencement – 2:00 PM
Thursday, June 23, 2022

Riviera Beach – Event Center
190 E 13th Street, Riviera Beach, FL33404

Due to COVID-19, attendees must adhere to the City of Riviera Beach guidelines.

If you wish to speak on any item(s) on this agenda, please complete a public comment card and provide it to Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item. Thank you.

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

II. CALL TO ORDER

III. NEW BUSINESS

- A.** An application from 7920 Riviera Beach Holdings, LLC., requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a front yard setback of 20' where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family Building 1; requesting a variance from Section 31-243 (5) (f) (1) of the Code to provide a 20'.38" setback where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family Building 3; and requesting a variance from Section 31-243(5)(f)(6) of the Code to provide a rear yard setback of 15' where the Code requires 20' for properties located west of Lake Worth for Townhome Building 10, for a development which encompasses the following properties, identified by the following PCN numbers: 56424225000001240, 56424225000001230, 56424225000001070, 56424225000001140, 56424225000001030, 56424225000001020, 56424225000001040, having a Future Land Use designation of either (COM) Commercial, or (MF-15) Medium Density Multi-Family Residential up to 15 units/acre, and having a Zoning designation of either (CG) General Commercial or (RML-12) Low Density Multiple Family Dwelling District up to 12 units/acre, providing for conditions of approval, and providing for an effective date.

IV. ADJOURNMENT

NOTICE: In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the City of Riviera Beach, 600 West Blue Heron

Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4000 or TDD 561-840-3350, www.rivierabch.com.



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Matthew Kwasman
Christina Bilenki

Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

7920 Rivera Beach Holdings, LLC Variance Justification Narrative

7920 Rivera Beach Holdings, LLC (“Applicant”) is the owner of 7 parcels generally located on the west side of North Military Trail, between Leo Lane and Investment Lane. The 7 parcels comprise a total of 15.77 gross acres and are addressed at 7982 North Military Trail (parcel number 56424225000001070); 7920 North Military Trail (parcel number 56424225000001230); 7880 North Military Trail (parcel number 56424225000001240); 7940 North Military Trail (parcel number 56424225000001040); 4411 Leo Lane (parcel number 56424225000001020); 4123 Leo Lane (parcel number 56424225000001030); and 4279 Leo Lane (parcel number 56424225000001140) in the City of Rivera Beach (“Property”). The Applicant is proposing to construct a new multi-family development consisting of 60 townhomes and 255 multi-family market rate units, totaling 315 dwelling units total (“Project”) on the Property. The 4 parcels addressed on North Military Trail contain a zoning designation of CG (General Commercial) and a future land use designation of Commercial. The 3 parcels addressed on Leo Lane contain a zoning designation of RML-12 (Low Density Multiple Family) and a future land use designation of MF-15 (Medium Density Multiple Family Residential). Given the lack of (new) housing in the City of Riviera Beach (“City”), the Applicant believes that the proposed Project can meet many needs of the area, including activating currently underutilized land, energizing the area with new development, and providing needed, quality housing in the City.

Requests

In order to develop the Project, the Applicant is submitting the following applications: 1.) a land use plan amendment to change the future land use designations on the Property from Commercial and MF-15 to MF-20 (High Density Multiple-Family Residential); 2.) a rezoning to change the zoning designation from CG and RML-12 to RM-20; and 3.) a major site plan review; and 4.) variance requests regarding the required building setbacks for the multi-family and townhome buildings.

Per the City’s Future Land Use Element of the Comprehensive Plan and Section 31-243(1)(b) of the City Land Development Code (“Code”) regarding allowable the density in the MF-20 land use category and RM-20 zoning designation, the “maximum permitted density shall be 20 residential dwelling units per acre including the density bonus referred to in subsection (2) of this section. If the density bonus provision is not applied for, the maximum permitted density shall be 17 units per acre.”

Accordingly, the Applicant is requesting application of the bonus density established in Chapter 26 of the Code to allow a density of 20 dwelling units per acre for the Project. As such, the Applicant will participate in the Minority Employment Participation Plan accordance with this section of the Code.

Variations Requested

The Project consists of 3 multi-family buildings containing 255 dwelling units and 60 townhome units developed in 10 building clusters. For the purposes of this request, a graphic has been created to provide labels for each building (see attached Exhibit A). The multi-family buildings are labeled as Multi-family Building 1 through 3 and the townhome cluster buildings are labeled as Townhome Building 1 through 10. The variance requests for each building will be identified throughout this narrative using these labels. The specific variance requests are provided below.

Multi-family Building 1

The Applicant is requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a front yard setback of 20' where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories.

Multi-family Building 3

The Applicant is requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a 20'.38" setback where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories.

Townhome Building 10

The Applicant is requesting a variance from Section 31-243(5)(f)(6) of the Code to provide a rear yard setback of 15' where the Code requires 20' for properties located west of Lake Worth.

Variance Justification

Per Section 31-42(b)(1) of the City Code, the Applicant must demonstrate compliance with the following criteria for a variance approval:

- a) **Existence of special conditions or circumstances. That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.**

There are special conditions and circumstances that are peculiar to the property. The Project is an infill development project that includes an assemblage of seven (7) smaller parcels to create one parcel large enough for the development of the Project. The Applicant has assembled the available parcels while working within the restraints of the existing land, surrounding development and property owners. As such, the Property is trapezoidal in shape with frontage along Military Trail only available in the northwest corner of the Property and at the entrance location rather than through the entirety of the west property

line. Similarly, the east property line does not follow a straight line, dipping in towards the west due to the existing adjacent assisted living facility.

Additionally, the Applicant must provide a large wet retention area to meet the drainage requirements for the Project. This 1.94-acre lake has been placed in the center of the Property to allow for the provision of a recreational amenity and to allow for pedestrian connectivity and traffic circulation throughout the development. The combination of the odd shape and the loss of almost 2 acres of property for drainage area hinders the Applicant's ability to meet the setback requirements along the east and west property lines while still providing the amount of parking spaces required by Code and the amenities and open space areas demanded by today's buyers for multi-family developments.

b) Conditions not created by applicant. That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.

The special conditions of the Property necessitating the variance requests are not a result of any actions taken by the Applicant. As previously stated, the Applicant is creating an infill development project, working within the restraints of the surrounding existing development and availability of land. The Applicant did not cause the odd shape of the Property. Furthermore, the 1.94 acres of land utilized for wet retention area is a requirement by Code to provide necessary drainage to the Property. The Applicant is providing the drainage area to meet these requirements.

c) Special privileges not conferred. That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.

Granting the variance requests will not confer any special privilege on the Applicant that is denied to other lands, buildings or structures. The Applicant is requesting the variances to facilitate the development of a luxury multi-family residential community on the Property that provides the recreational facilities and amenities demanded by today's buyers. Further, granting the requested variances will allow for the provision of new housing stock in the area which will be able to address the local housing shortage.

d) Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.

Literal enforcement of the City Code would cause an unnecessary and undue hardship on the Applicant as it would deprive the Applicant of the ability to develop the Property with a luxury multi-family residential development that is desired by today's buyers. Developing a project within the constraints of the Code requirements would result in a project that could not provide the type of development and amenities that buyers in today's market desire. Given the unique shape of the Property, every inch of space must be carefully designed in order to allow for the provision of a quality Project that meets the

majority of design criteria, and all of the safety requirements. As proposed, the modified setback allows for the provision of ample circulation, parking, and a much preferred pedestrian oriented design.

Additionally, the Applicant must demonstrate compliance with the following criteria provided in Section 31-42(b)(2):

- a) **Minimum variance only to be granted. That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.**

The variances requested are the minimum variances needed to facilitate the development of a multi-family residential Project on the Property. As stated above, the odd shape of the lot and the 1.94-acre lake for drainage purposes limit the Applicant's ability to move the buildings further into the Property to meet the setback requirements.

- b) **Variances to lot minimum requirements. Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.**

The Property is not adjacent to any vacant lands. The Project has assembled the vacant land in the area.

- c) **Not injurious to public welfare or intent of ordinance. The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance requests are not injurious to the public welfare. The variance requests are for the building setbacks along the east and west property lines. There are no adjacent residential uses along west property line (front yard) that could be negatively impacted by the Project as it directly abuts Military Trail. Approval to place the building closer to the front property line rather than be setback 26' to meet Code requirements will be beneficial to the public welfare by providing a community that is pedestrian oriented and is desired by residents. While there is an existing assisted living adjacent to the east property line, the location where the building is setback 15' (less than the required minimum of 20') is adjacent to the parking lot of the assisted living facility. There are no buildings located adjacent to this area of the Property. As such, the variance requests to place the buildings closer to these property lines will not negatively impact any surrounding neighbors.

Furthermore, granting the variances will facilitate the development of a multi-family residential project on the Property that is in harmony with the general intent of the Land Development Code and the Comprehensive Plan. Section 31-241 of the land development code states, “[t]he RM-20 high density multifamily dwelling district is intended to provide for development of multifamily dwellings and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and promotes a high quality environment through aesthetically oriented property development standards.” Granting the variance requests will allow the Applicant to provide a high density residential development with increased amenities.

Additionally, the variance request is in harmony with Policy 1.8.1 of the City’s Comprehensive Plan, which provides the following definition of the High Density Multiple Family Residential (up to 20 units an acre) land use category, “[t]his is the highest density category, available when the Minority Employment and Affordable Housing Opportunity Plan (MEAHOP) bonus provision is used; otherwise, 17 units per acre without the MEAHOP provision. It will be implemented by the RM-20 and RMH-20 districts; within the CRA, this category will be implemented through the exclusive use of the Downtown Zoning Districts.” The Project will include the implementation of the MEAHOP bonus density program to provide a high density residential project that is in compliance with the City’s Comprehensive Plan.

- d) Conditions and safeguards may be imposed. In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.**

The Applicant acknowledges that the special magistrate may impose conditions of approval on the variance requests.

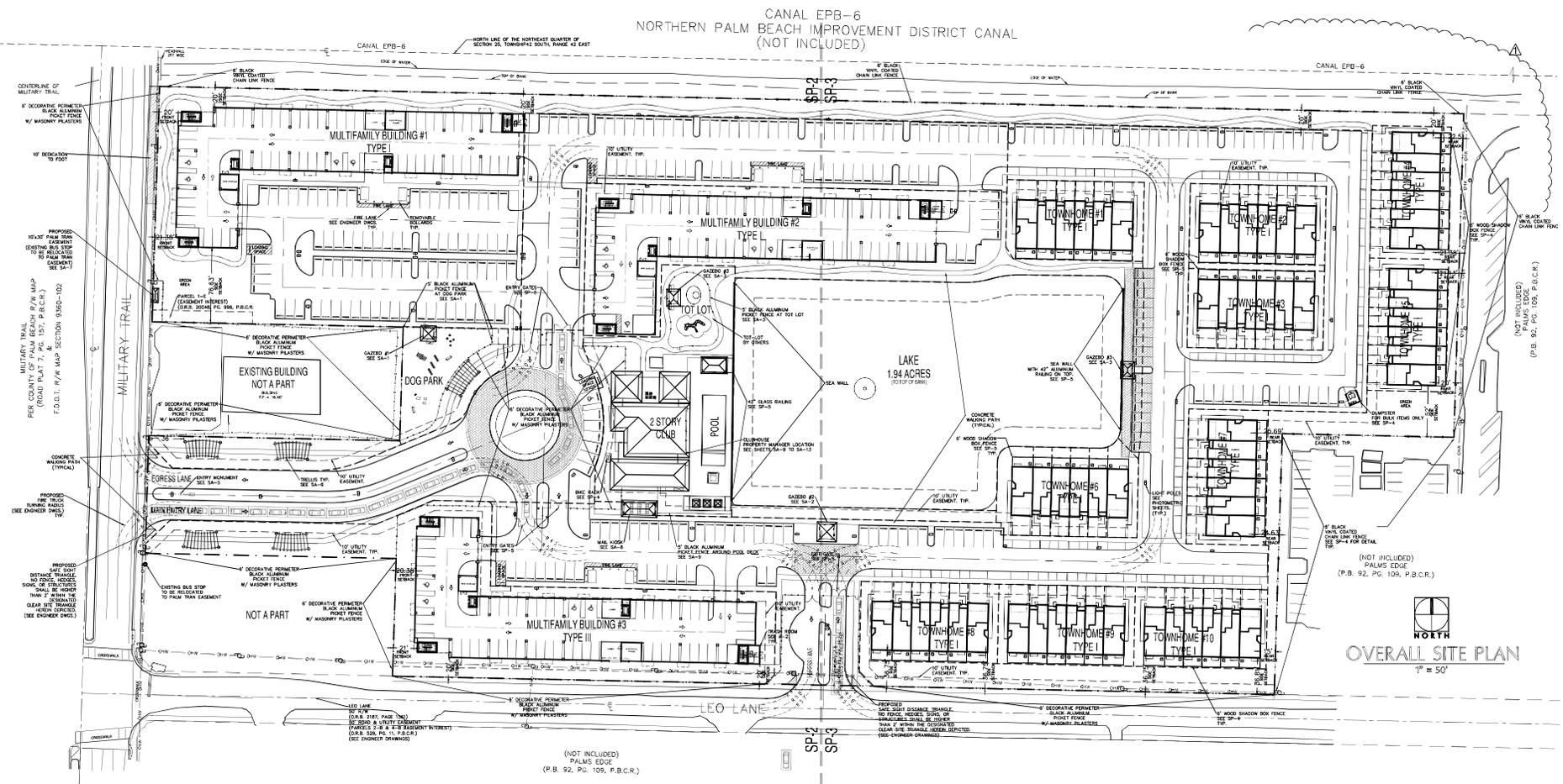
PARKING DATA		
PARKING BREAKDOWN		REQUIRED
TOWNHOME UNITS (2 PER UNIT X 60 UNITS)		120
MULTIFAMILY		
ONE BEDROOM UNITS (2 PER UNIT X 111 UNITS)		222
TWO BEDROOM UNITS (2 PER UNIT X 144 UNITS)		288
TOTAL		630
	PROVIDED	
TOWNHOUSE PARKING ON DRIVEWAY	80	12.7 %
TOWNHOUSE PARKING ON GARAGES	80	12.7 %
PARKING UNDER BUILDINGS	174	27.6 %
SURFACE PARKING	296	47.0 %
TOTAL	630	100.0 %
HANDICAPPED (2% OF TOTAL REQUIRED)	14	2.22 %

ZONING DATA		
EXISTING ZONING - RM-20		
FUTURE LAND USE - HIGH DENSITY RESIDENTIAL		
	REQUIRED/ PERMITTED	PROVIDED
MAXIMUM DENSITY	20 DUA	15.77
MAXIMUM BUILDING HEIGHT	20 STORIES	5 STORIES
	200'-0"	64'-6"
MINIMUM SETBACKS		
FRONT - MORE THAN 2 STORIES	100'-0"	20'-0"
SIDE - 10% OF THE LOT OR 20', WHICHEVER IS GREATER	56'-0"	20'-0"
REAR - 15% OF THE LOT OR 20', WHICHEVER IS LESS	20'-0"	20'-0"
HIGHRISE SETBACK	2 PER STORY ABOVE 2ND STORY	%
FLOOR AREA RATIO	1.3:1	
MAXIMUM LOT COVERAGE	70%	64.98%
MAXIMUM NORTH/SOUTH WIDTH FOR MAIN STRUCTURES	110'-0"	

SITE DATA CONTINUED		
AREA BREAKDOWN	SOFT	%
IMPERVIOUS AREAS		
MULTI-FAMILY BUILDING FOOTPRINTS	81,027.00	12.29
TOWNHOME BUILDING FOOTPRINTS	59,150.00	8.97
PAVED AREAS	186,812.13	28.34
PAVED ENTIRE TOWNHOME REAR YARD	11,900.00	1.81
PEDESTRIAN WALKS	45,530.10	6.91
CLUBHOUSE	11,436.00	0.17
MAIL KIOSK	429.00	0.07
POOL & POOL DECK	6,735.00	1.02
GAZEBOS	623.00	0.09
DUMPSTER	150.00	0.02
TOTAL	403,792.23	61.26
PERVIOUS AREAS		
DOG PARK	6,015.64	0.91
TOT LOT	3,210.00	0.49
GREEN AREAS	246,144.18	37.34
TOTAL	255,369.82	38.74
GRAND TOTAL	659,162.05	100.00

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AREA GROSS	SOFT	ACRES
20' CANAL EASEMENT	686,941.20	15.77
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LAKE AREA (TO TOP OF BACK)	659,162.05	15.13
NET DRY AREA	84,474.13	1.94
	574,687.92	13.19
TOWNHOMES (TWO & THREE BEDROOM)		60
MULTIFAMILY UNITS TOTAL		255
ONE BEDROOM UNITS		111
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TOTAL UNITS		315
		DJA
GROSS DENSITY		19.97

NOTE:
SEE SHEET SP-2 & SP-3 FOR SITE PLAN BLOW-UP WITH ADDITIONAL INFORMATION AND DIMENSIONS
SEE SHEET SP-4 & SP-5 FOR DETAILS.



PASCUAL PEREZ KILIDDJIAN STARR & ASSOCIATES ARCHITECTS - PLANNERS
 LICENSE # AA 26001357
 EDUARDO PEREZ - AIA
 LICENSE No.: AR 000334
 MARIO P. PASCUAL - AIA
 LICENSE No.: AR 000824
 PETER KILIDDJIAN, RA
 LICENSE No.: AR 0093067

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 DORAL, FLORIDA 33126
 TELEPHONE: (305) 592-1363
 FACSIMILE: (305) 592-6865
 http://www.ppkarch.com

OWNER:
 ESTATE COMPANIES

MULTI-FAMILY
 CITY OF RIVIERA BEACH, FLORIDA



SITE PLAN
 DATE: 2022-04-29
 SCALE: AS SHOWN
 DRAWN BY: JI
 CHECK BY: PK
 JOB NO.:

SP-1
 SHEET NO.:

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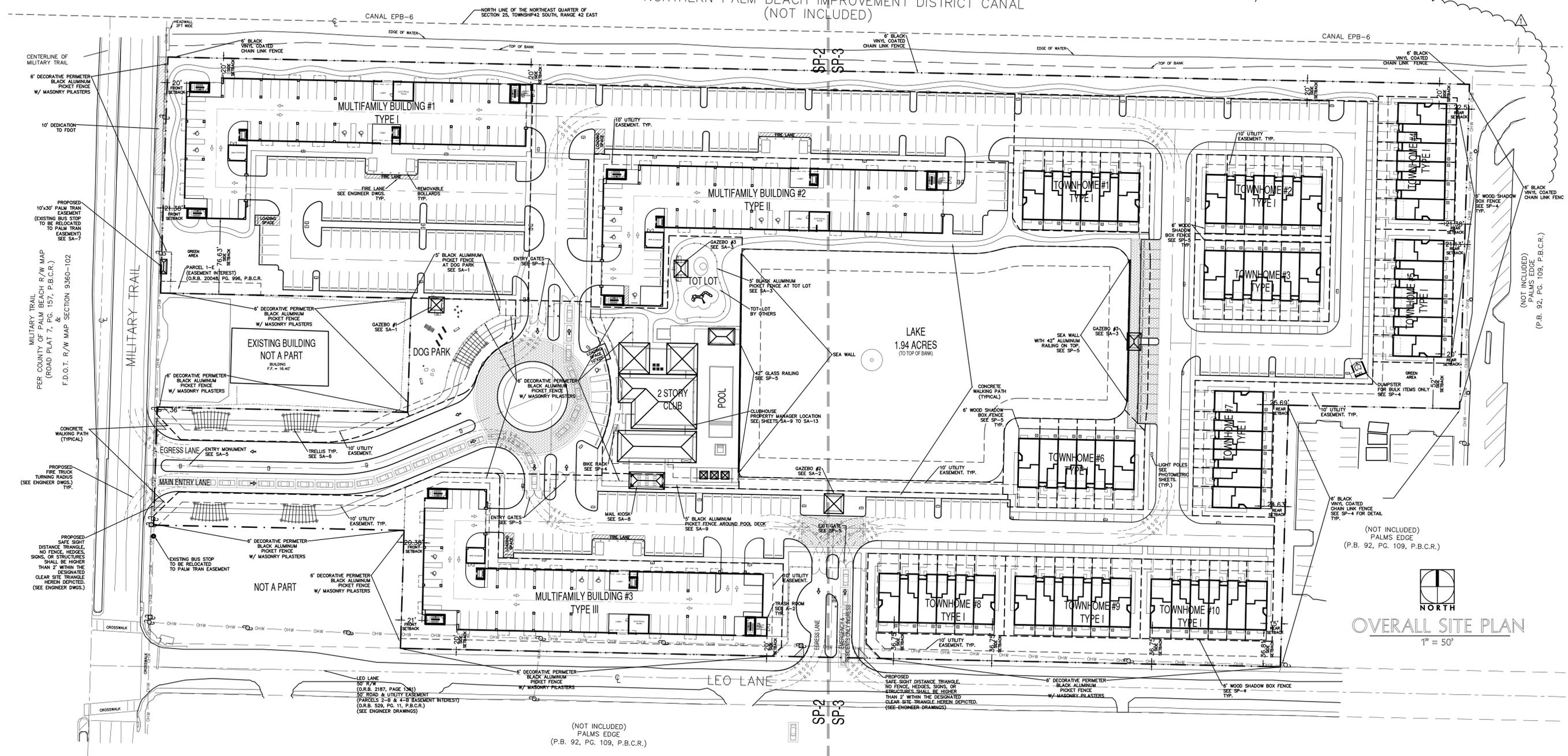
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NOTE:
SEE SHEET SP-2 & SP-3 FOR SITE PLAN BLOW-UP WITH ADDITIONAL INFORMATION AND DIMENSIONS.
SEE SHEET SP-4 & SP-5 FOR DETAILS.

CANAL EPB-6
NORTHERN PALM BEACH IMPROVEMENT DISTRICT CANAL
(NOT INCLUDED)



PASCUAL PEREZ KILIDDJIAN STARR & ASSOCIATES ARCHITECTS - PLANNERS
LICENSE # AA 26001357
EDGARDO PEREZ, AIA LICENSE No.: AR 0015394
MARIO P. PASCUAL, AIA LICENSE No.: AR 0008254
PETER KILIDDJIAN, R.A. LICENSE No.: AR 0093067
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REVISIONS:
2022-04-04 BD COMMENTS
OWNER:
ESTATE COMPANIES

MULTI-FAMILY
CITY OF RIVIERA BEACH, FLORIDA

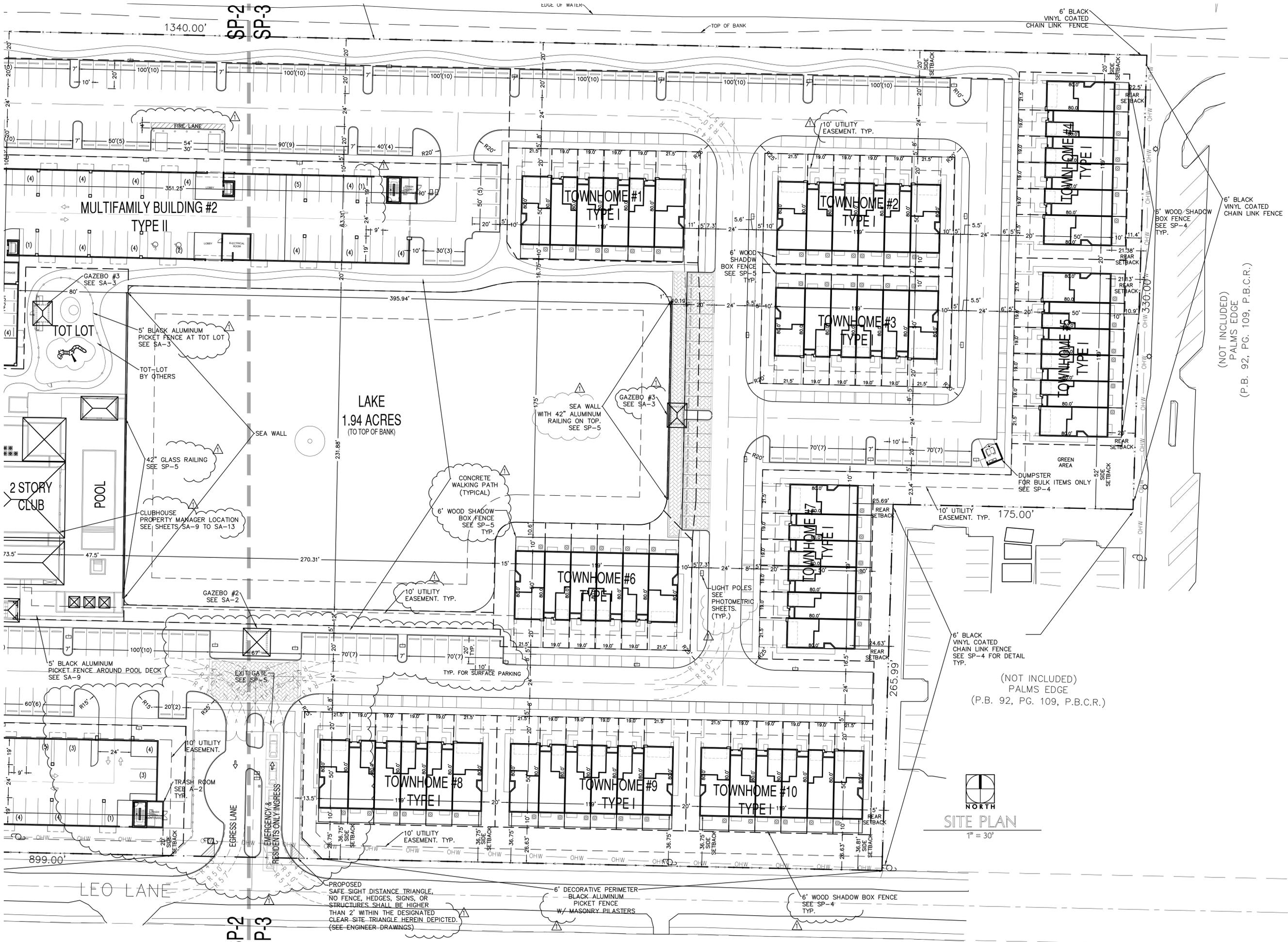
SEAL:
Digitally signed by Edgardo Perez
DN: cn=Edgardo Perez, o=Pascual, Perez, Kiliddjian, Starr & Associates, L=Doral, FL, ou=Professional Seal, email=edgardo.perez@ppkarch.com, c=US
Date: 2022.05.04 17:21:55-0500

SITE PLAN
DATE: 2022-04-29
SCALE: AS SHOWN
DRAWN: SJ
CHECK BY: PPK
JOB NO.:

SP-1
SHEET NO.:

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**PASCUAL
 PEREZ
 KILIDDJIAN
 STARR**

& ASSOCIATES
 ARCHITECTS - PLANNERS
 LICENSE # AA 26001357

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REVISIONS:
 2022-04-04 BD COMMENTS

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MULTI-FAMILY
 CITY OF RIVIERA BEACH, FLORIDA

SEAL:
 Digitally signed by Edgardo Perez
 DN: cn=Edgardo Perez, o=Pascual, Perez, Kiliddjian, Starr & Associates, L=Ltd., S=Florida, C=US
 Date: 2022.05.04 17:22:35-0400

SITE PLAN

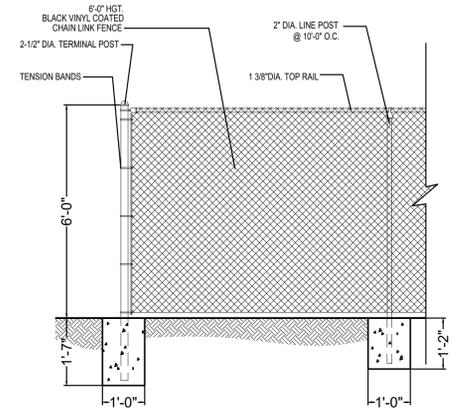
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DATE: 2022-04-29
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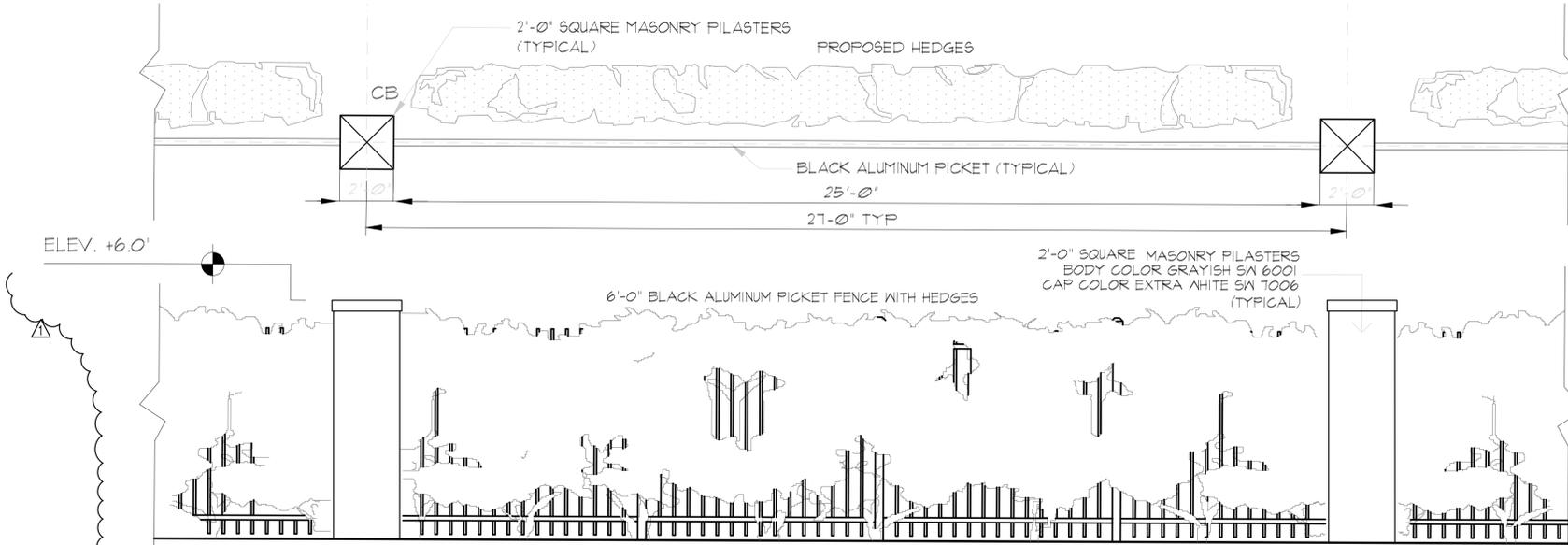
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SHEET NO.:

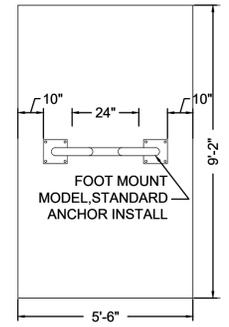
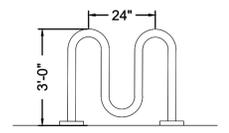
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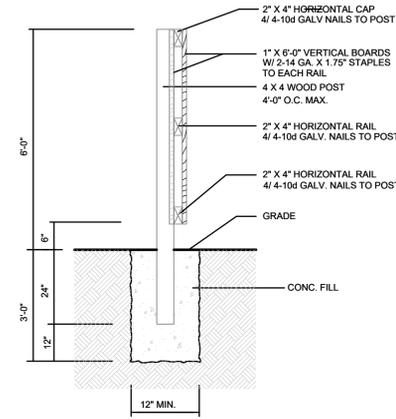
6" BLACK VINYL COATED CHAIN LINK FENCE DETAIL
 SCALE: 1/2" = 1'-0"



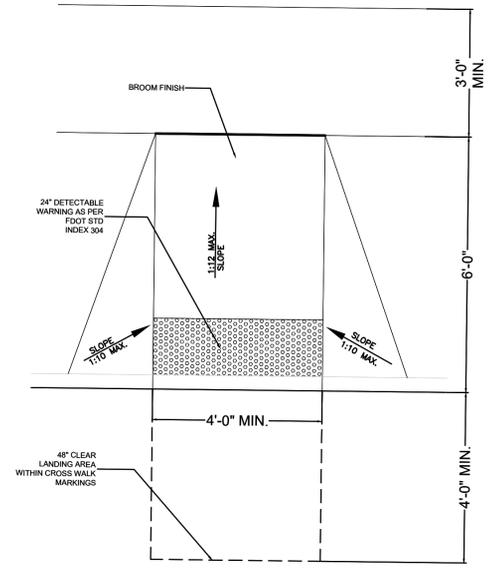
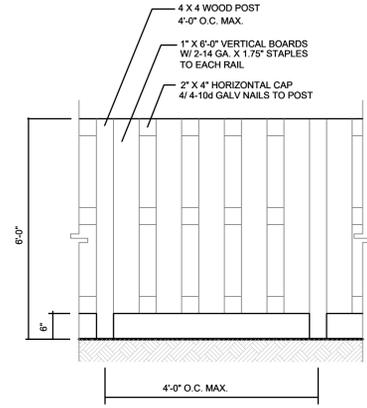
6" DECORATIVE PERIMETER BLACK ALUMINUM PICKET FENCE WITH MASONRY PILASTERS DETAIL
 SCALE: 1/2" = 1'-0"



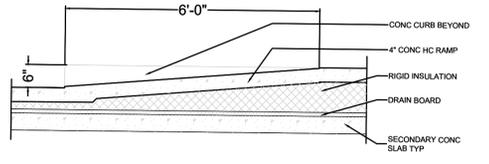
BIKE RACK DETAIL
 SCALE: 3/8" = 1'-0"



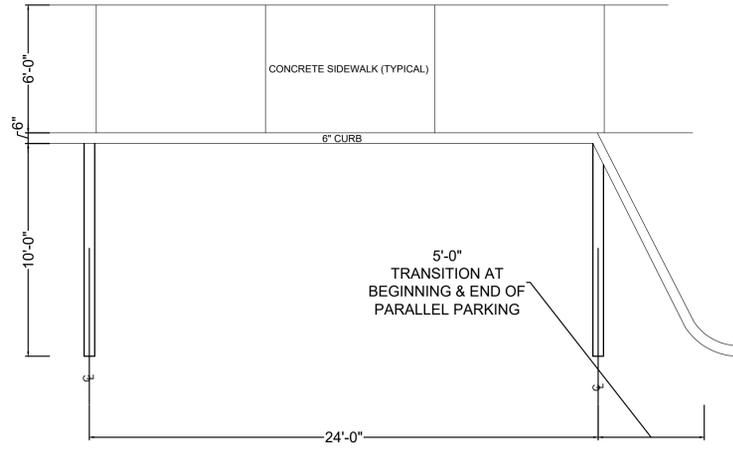
REAR YARD ENCLOSURE WOOD FENCE DETAILS
 SCALE: NTS



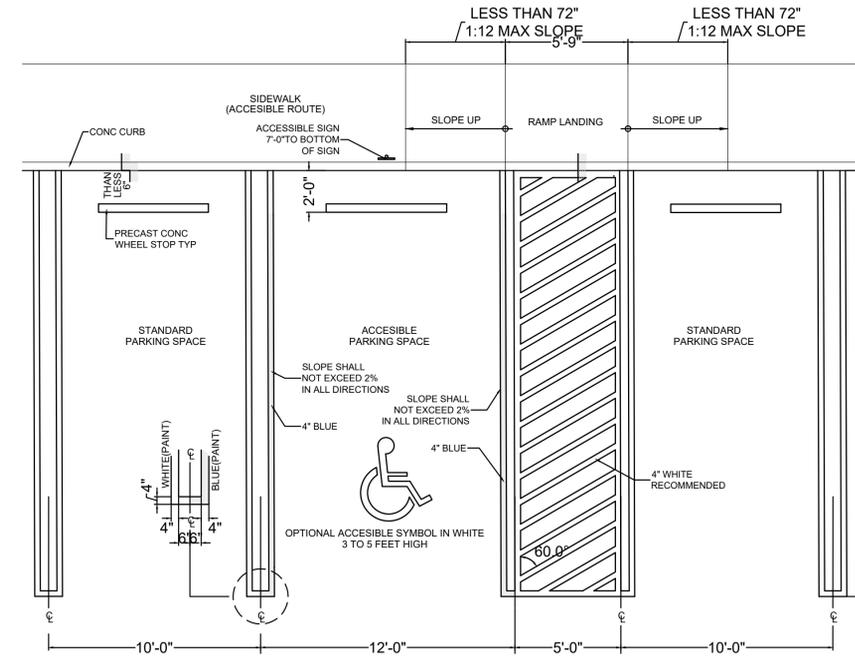
HANDICAPPED RAMP PLAN
 SCALE: 1/2" = 1'-0"



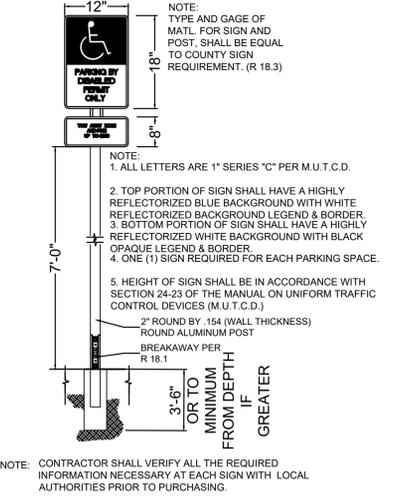
HANDICAPPED RAMP DETAIL
 SCALE: 1/2" = 1'-0"



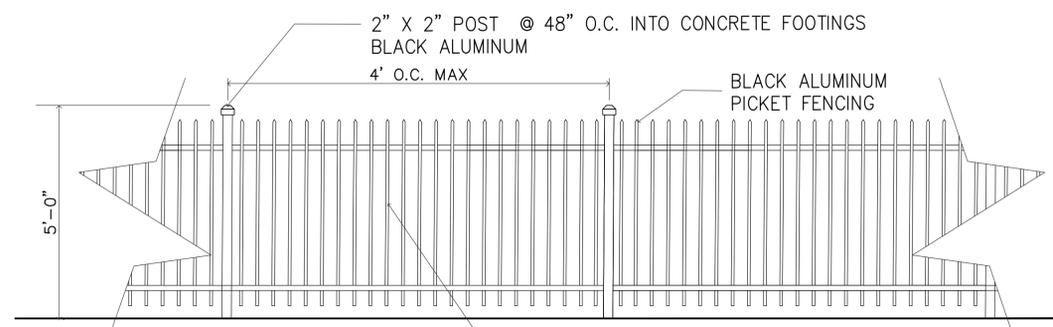
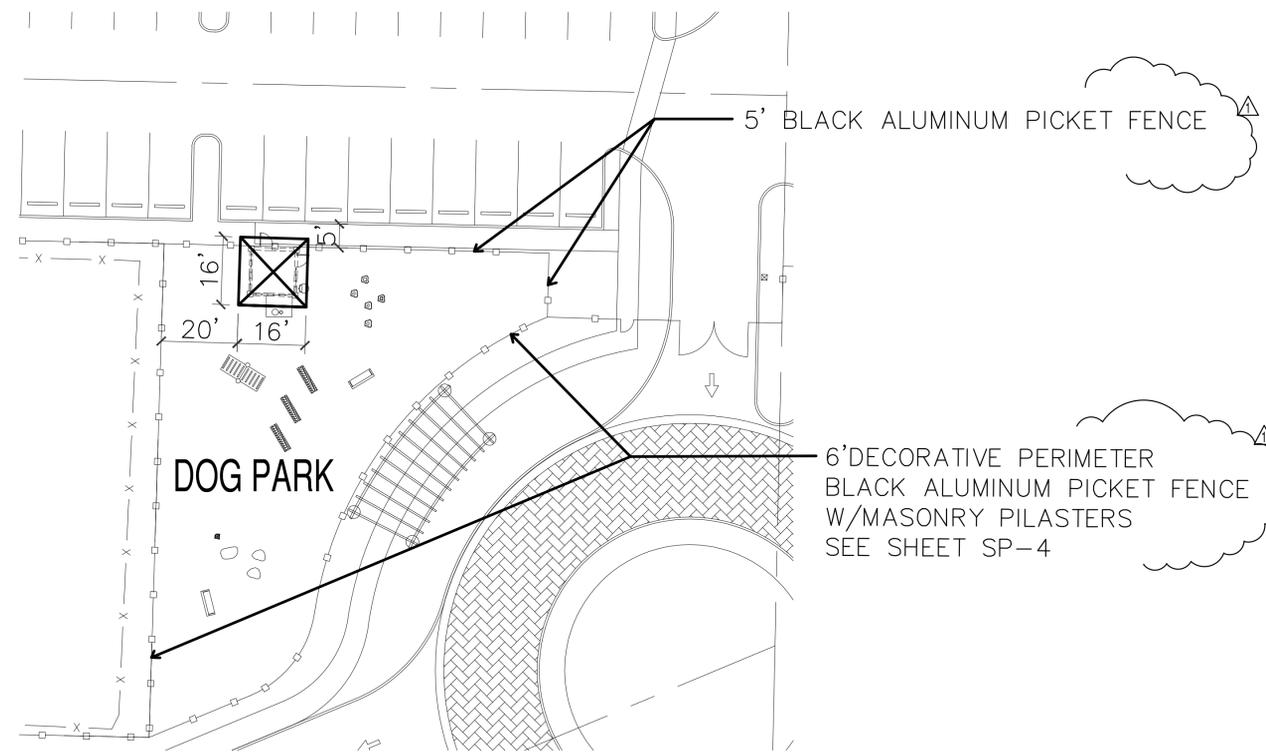
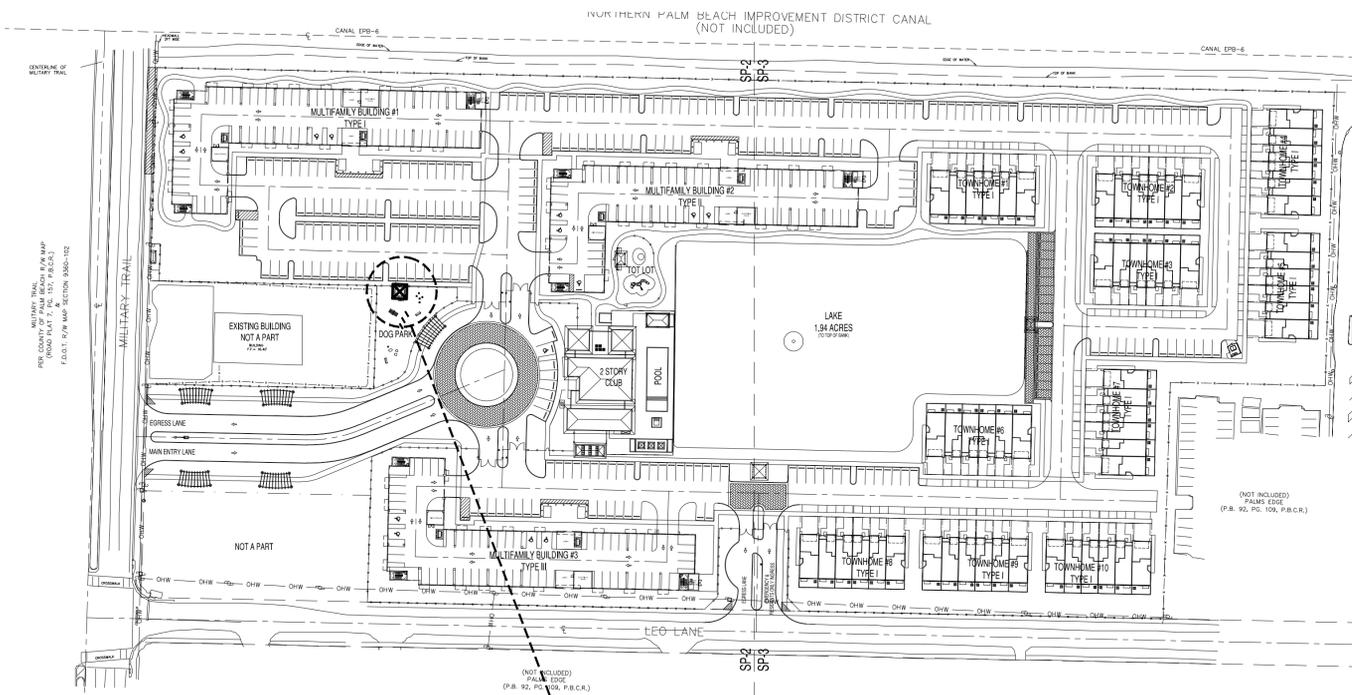
PARALLEL PARKING DETAIL
 SCALE: 1/4" = 1'-0"



PARKING DETAIL
 SCALE: 1/4" = 1'-0"



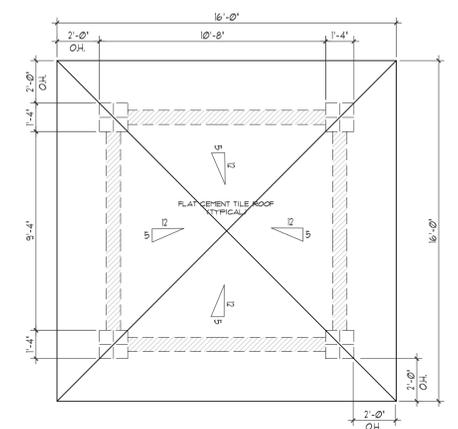
NOTE: CONTRACTOR SHALL VERIFY ALL THE REQUIRED INFORMATION NECESSARY AT EACH SIGN WITH LOCAL AUTHORITIES PRIOR TO PURCHASING.



TO BE USED AT:
- POOL DECK PERIMETER.
- TOT LOT PERIMETER.
- DOG PARK PERIMETER.

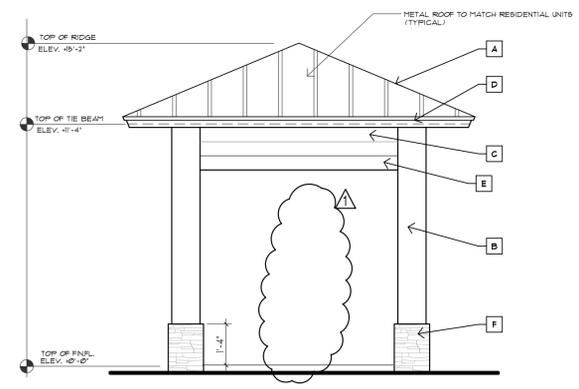
3/4" ALUMN. SQUARE PICKETS
(SPACES TO REJECT MAX. 4" DIA. OBJECTS).

5" ALUMINUM PICKET FENCE DETAIL
SCALE 1/2" = 1'-0"

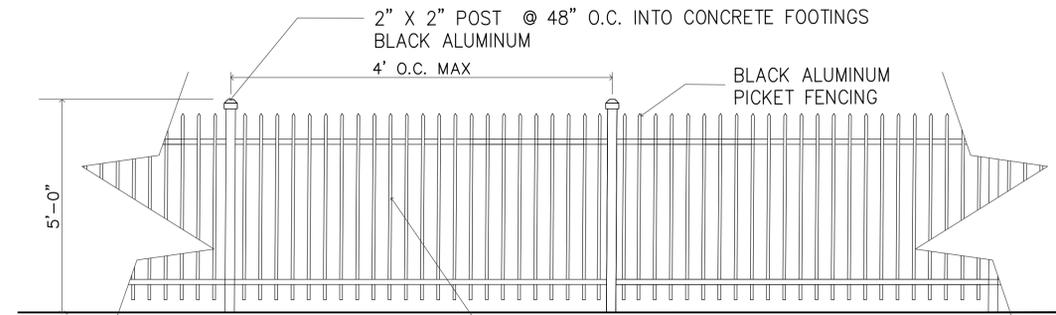


ELEVATION LEGEND

A METAL ROOF (TYP.) GRAY TO MATCH RESIDENTIAL UNITS	D FACIA COLOR: BEST BRONZE SU 6/60	E 1" TRIM COLOR: EXTRA WHITE SU 1006
B BODY COLOR: EXTRA WHITE SU 1006	C STUCCO SIDING # 8' COLOR: NETWORK GRAY SU 1073	F BRICK: AMERICA QUICKSTACK LEDGESTONE WHITE FROST



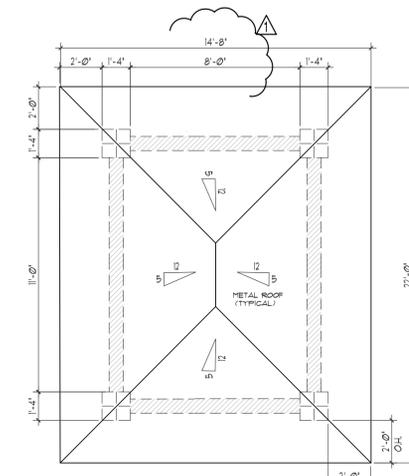
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TO BE USED AT:
- POOL DECK PERIMETER.
- TOT LOT PERIMETER.
- DOG PARK PERIMETER.

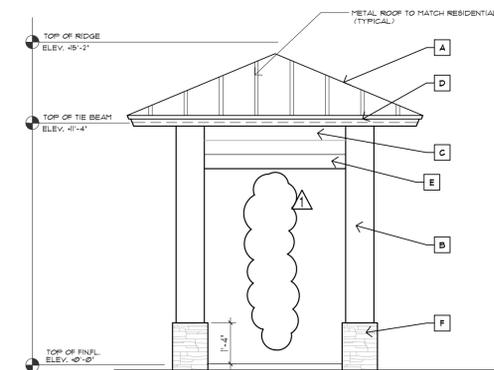
3/4" ALUMN. SQUARE PICKETS
(SPACES TO REJECT MAX. 4" DIA.
OBJECTS).

5" ALUMINUM PICKET FENCE DETAIL
SCALE 1/2" = 1'-0"

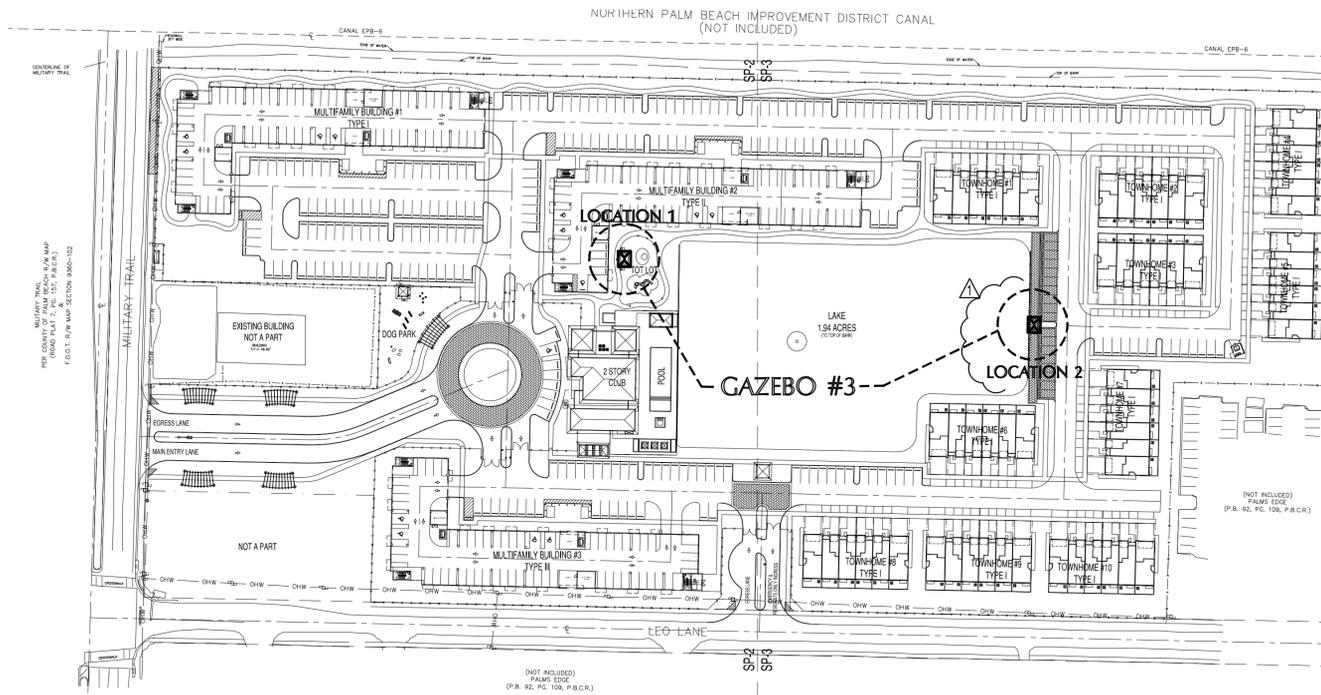


GAZEBO #3 - FLOOR PLAN
SCALE: 1/4" = 1'-0"

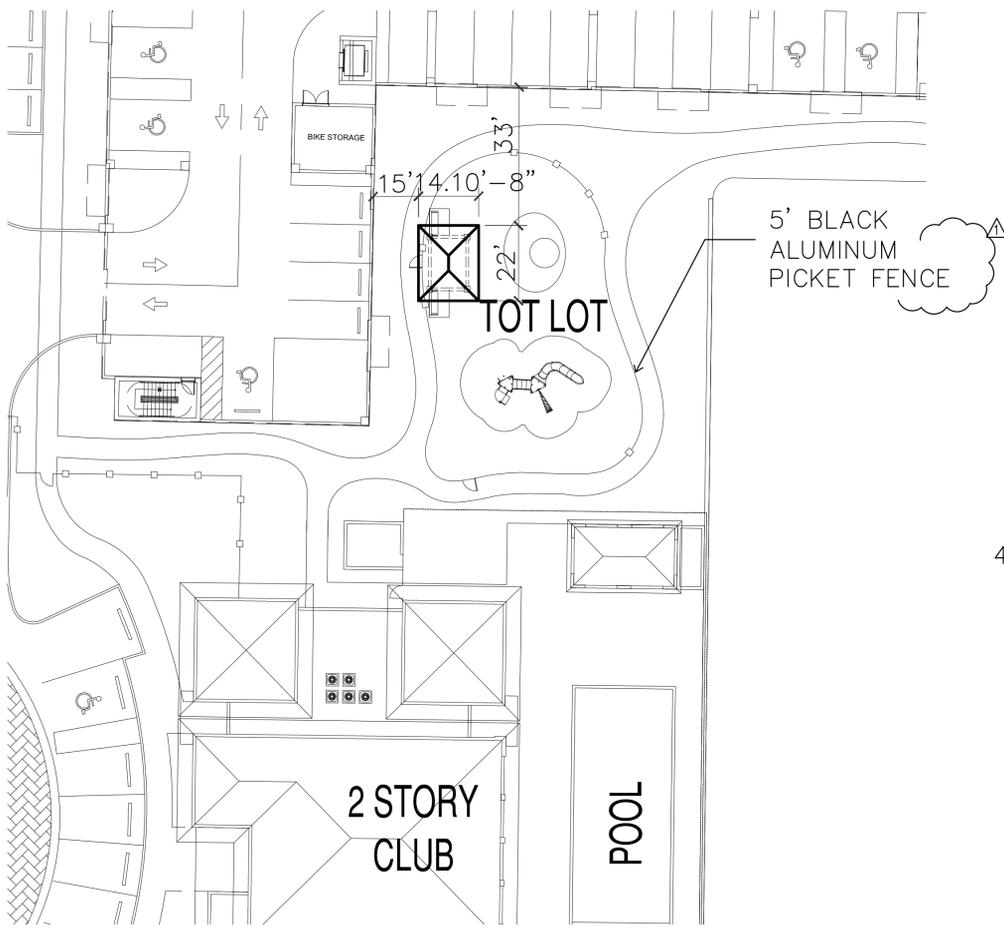
ELEVATION LEGEND			
A	METAL ROOF (TYP.) GRAY TO MATCH RESIDENTIAL UNITS	E	1" HIGH COLOR EXTRA WHITE SW 1006
B	BODY COLOR: EXTRA WHITE SW 1006	F	BRICK AMERICA QUICKSTACK LEDGESTONE WHITE FROST
C	STUCCO SIDING @ 8" COLOR NETWORK GRAY SW 1073		
D	FACIA COLOR: BEST BRONZE SW 6160		



GAZEBO #3 - TYP. ELEVATION
SCALE: 1/4" = 1'-0"

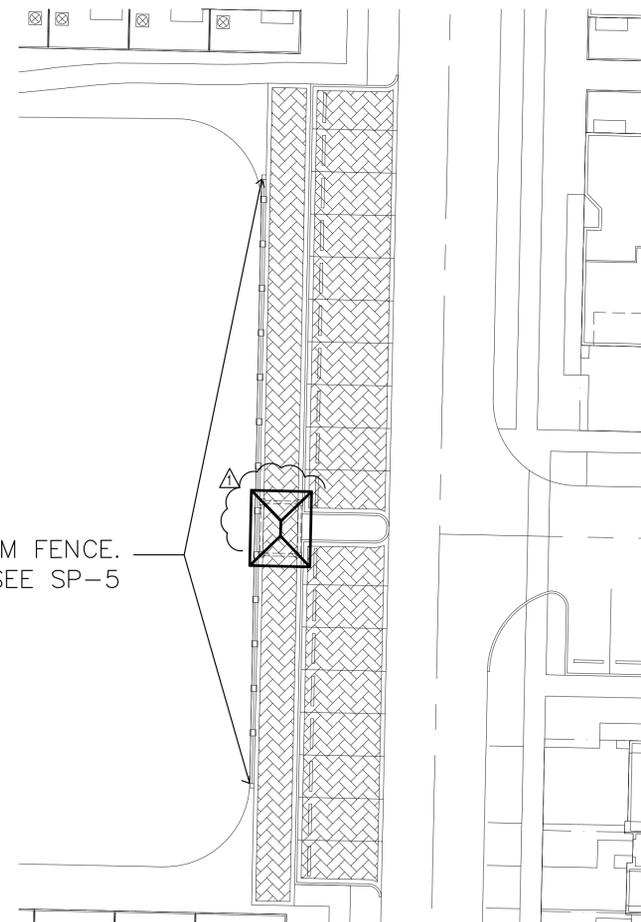


LOCATION PLAN
N.T.S.



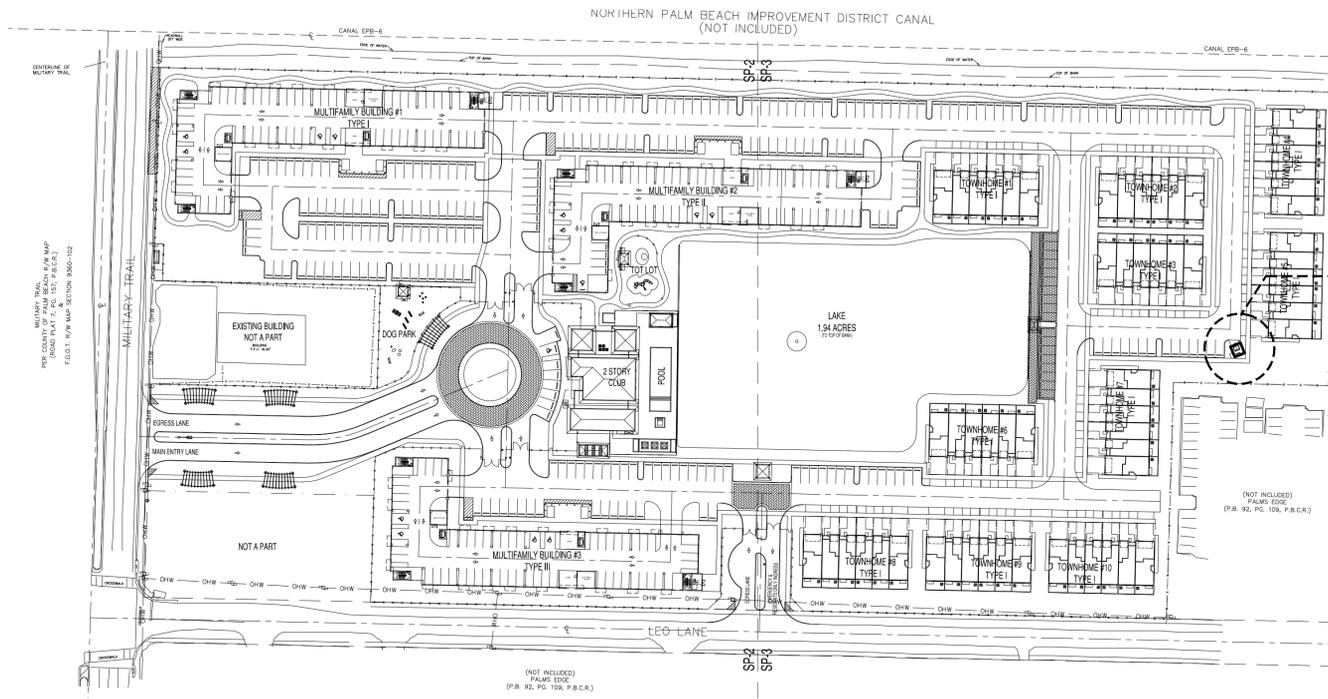
SITE PLAN GAZEBO #3
LOCATION 1
SCALE 1/2" = 1'-0"

42' ALUMINUM FENCE.
SEE SP-5

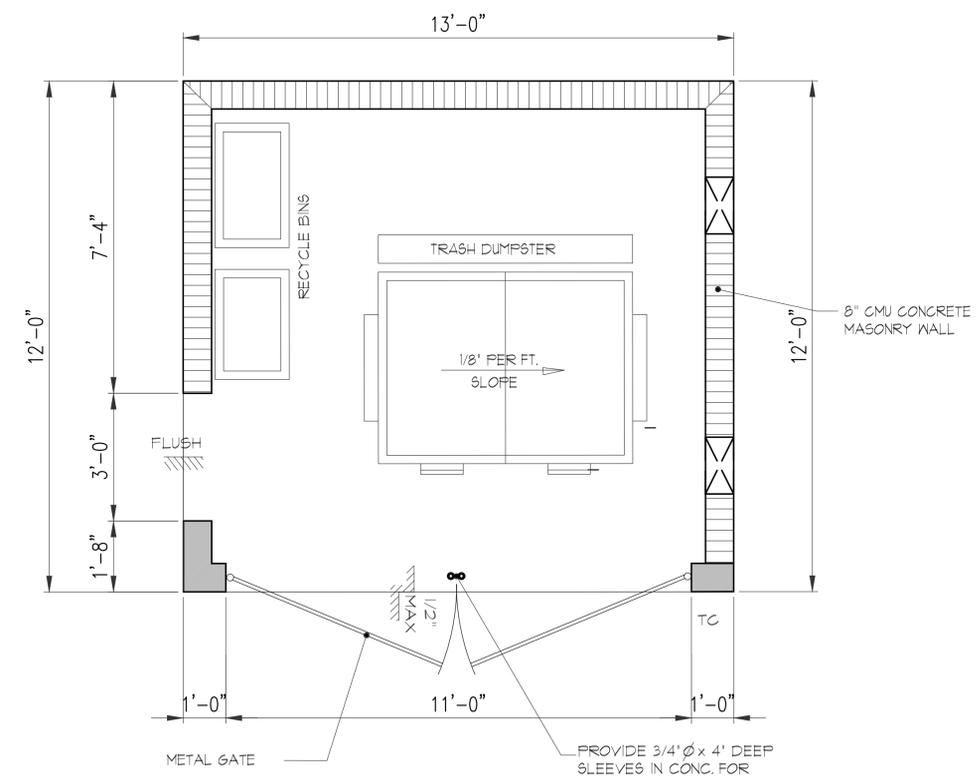


SITE PLAN GAZEBO #3
LOCATION 2
SCALE 1/2" = 1'-0"

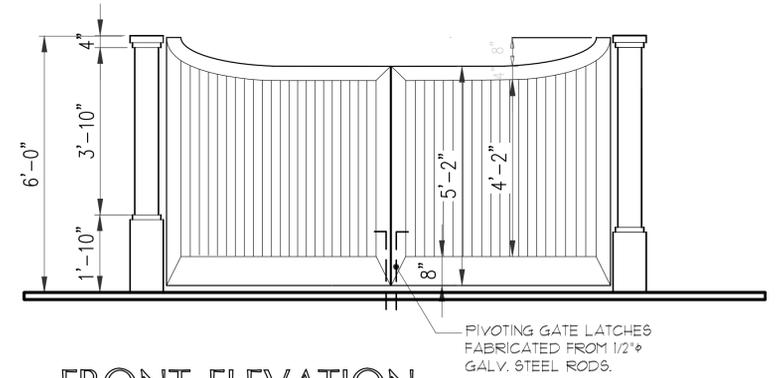
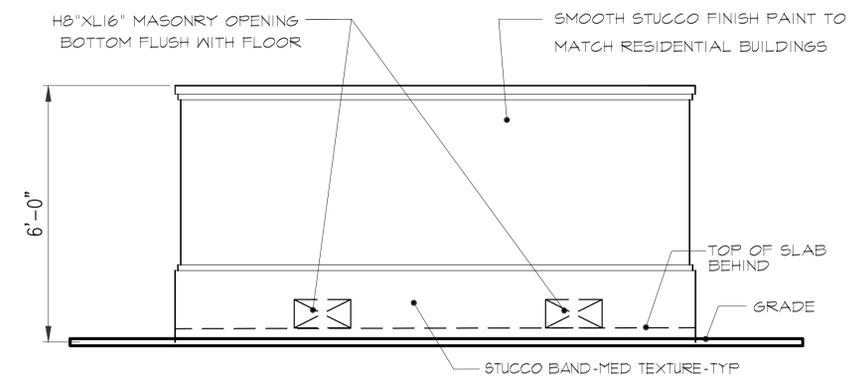
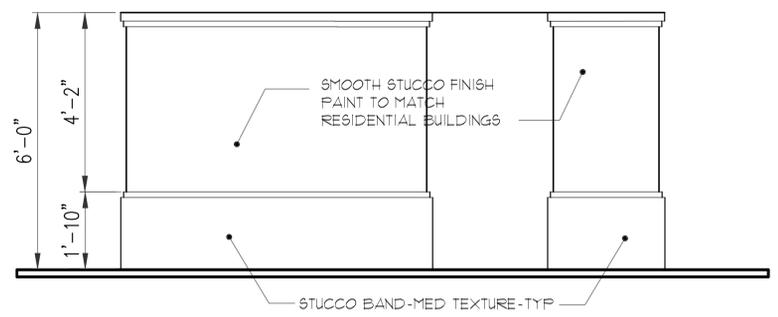
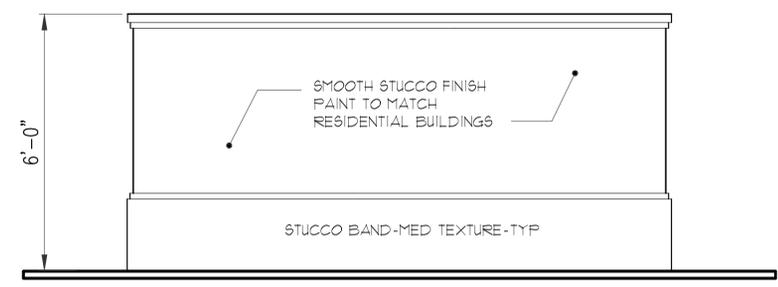
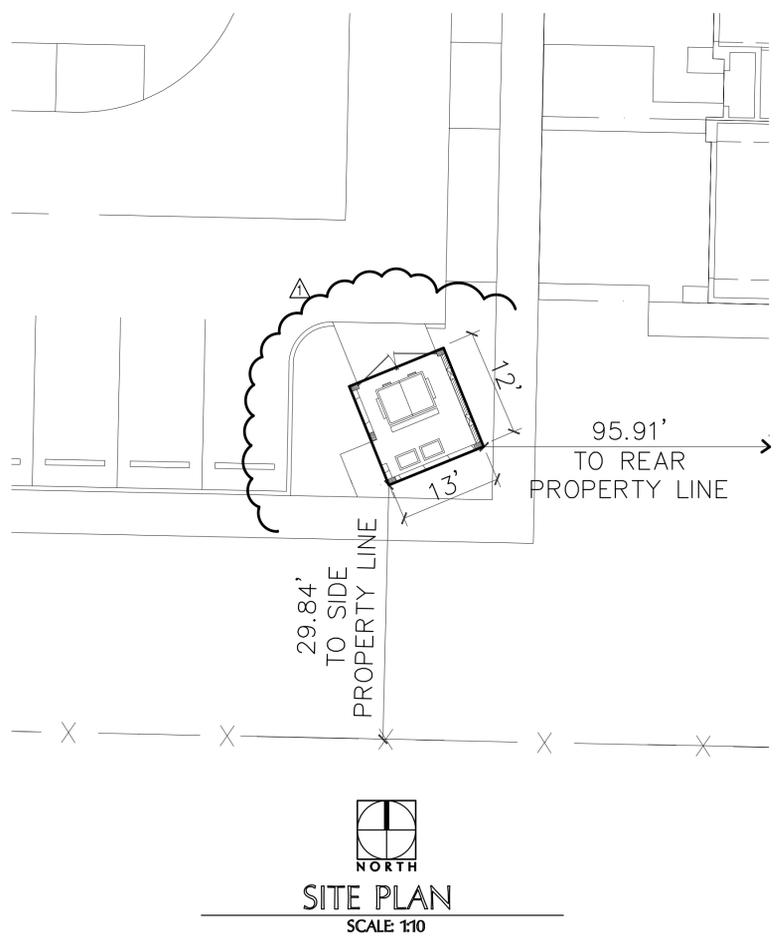
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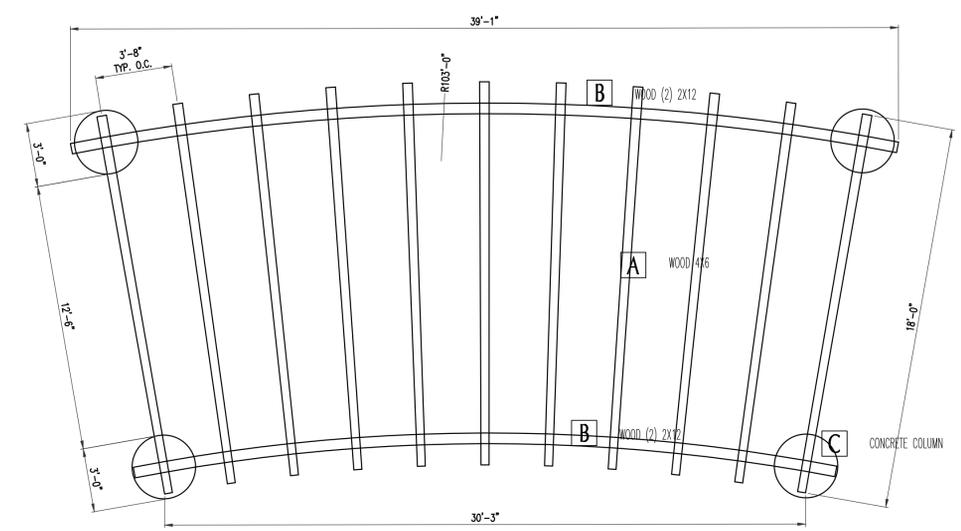
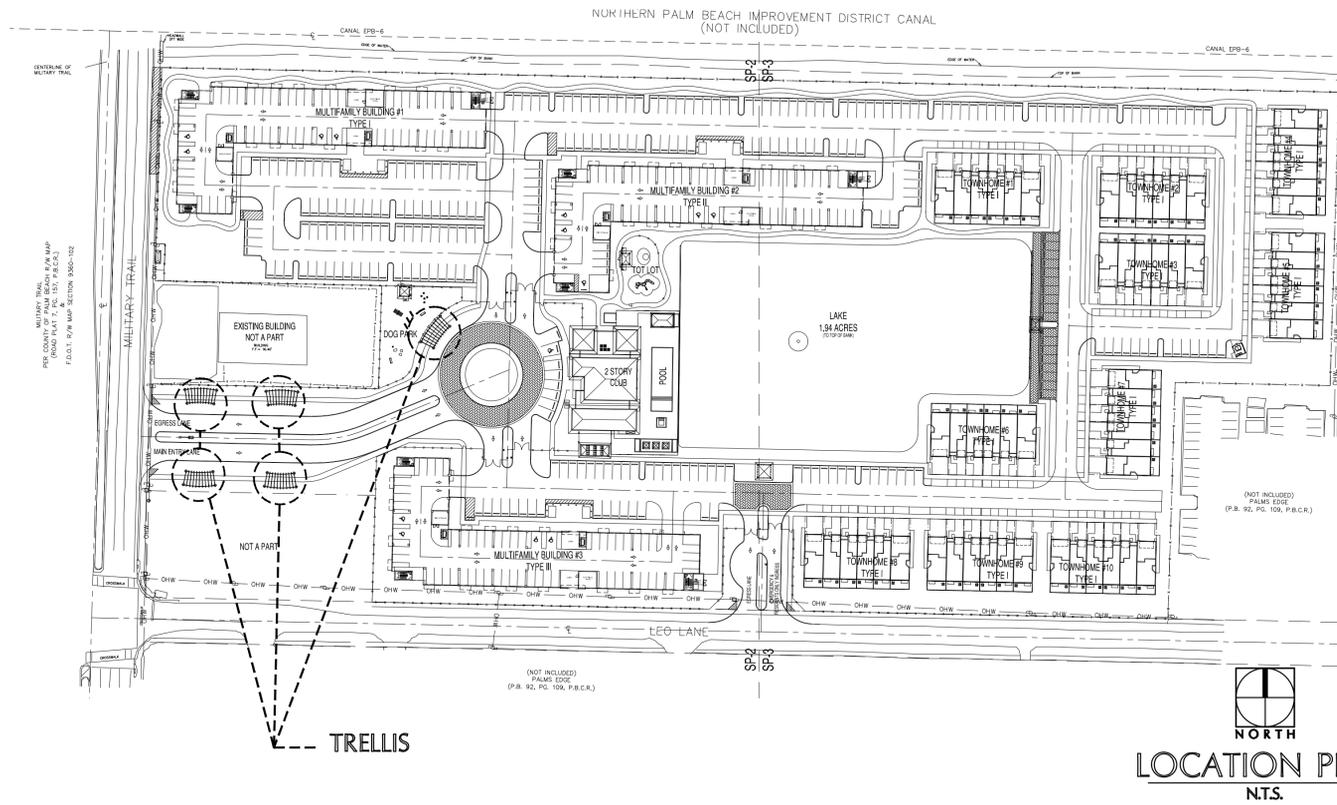


DUMPSTER
FOR BULK
ITEMS ONLY

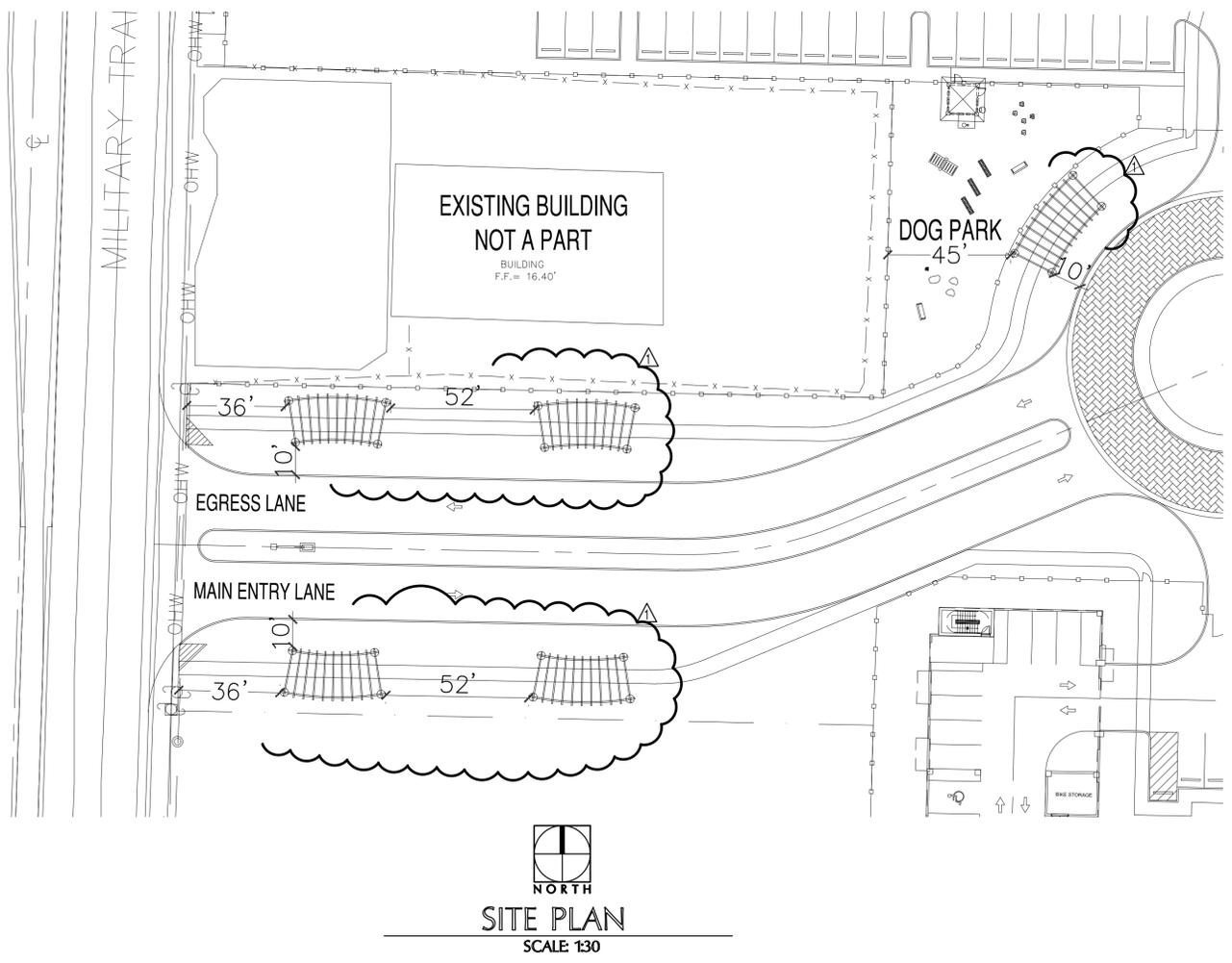
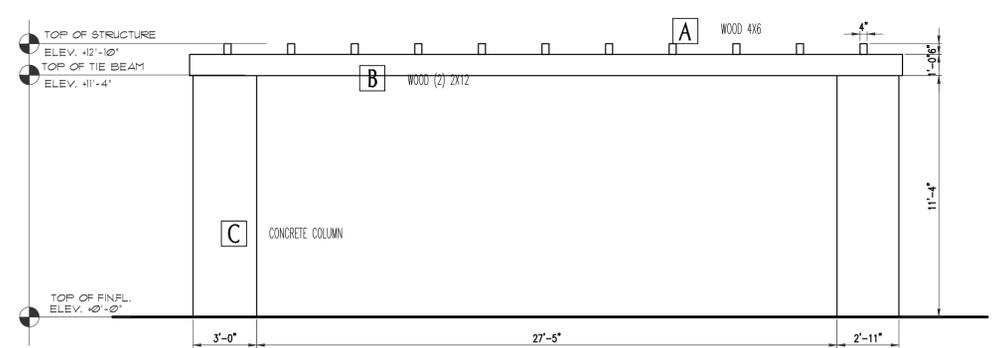


FLOOR PLAN
SCALE 1/2" = 1'-0"

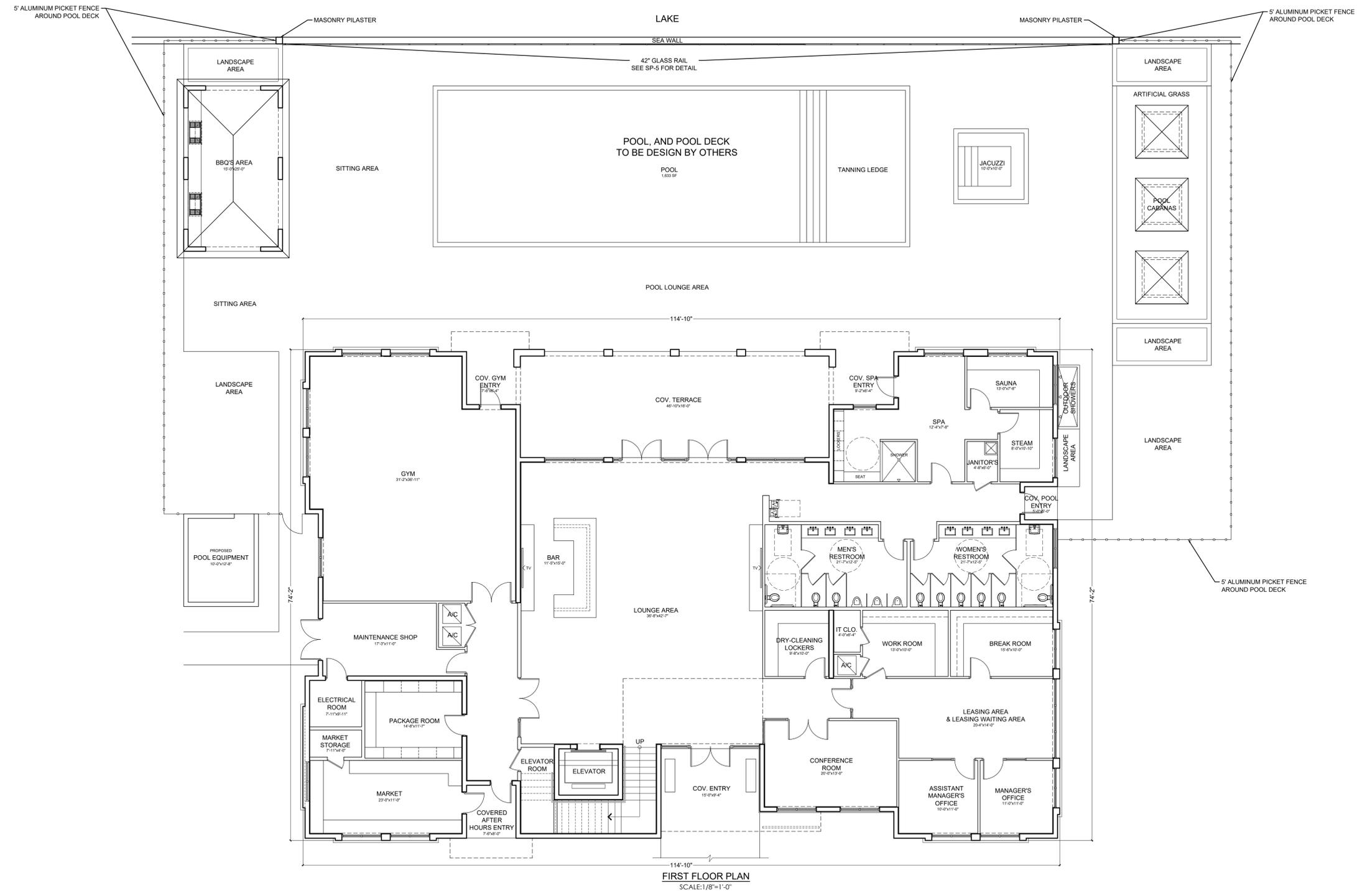
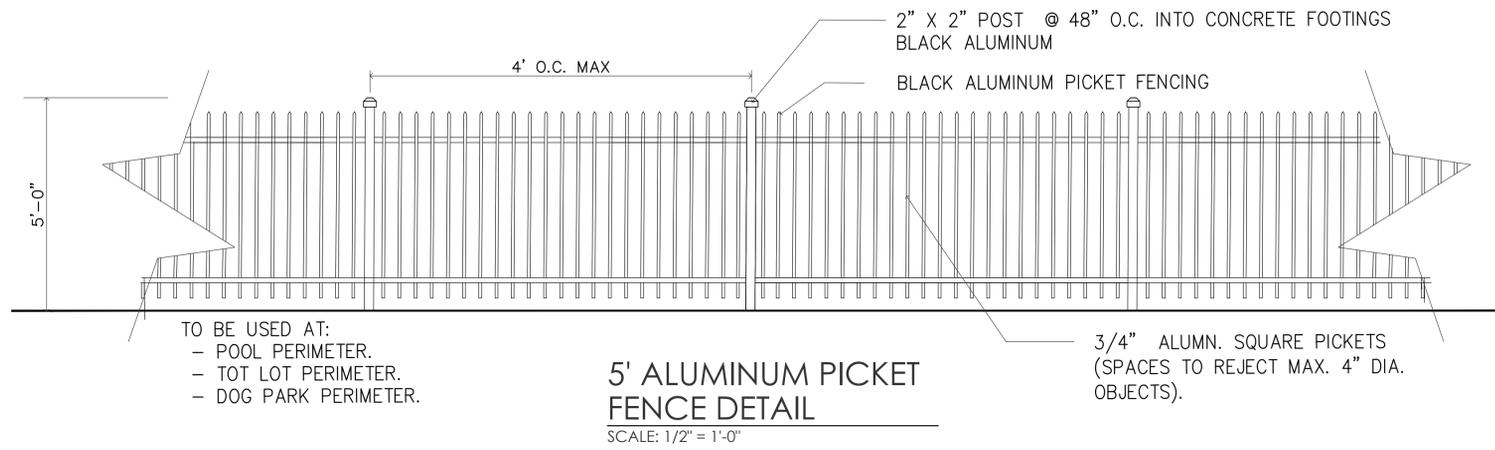




- A WOOD 4X6
- B WOOD (2) 2X12
- C CONCRETE COLUMN

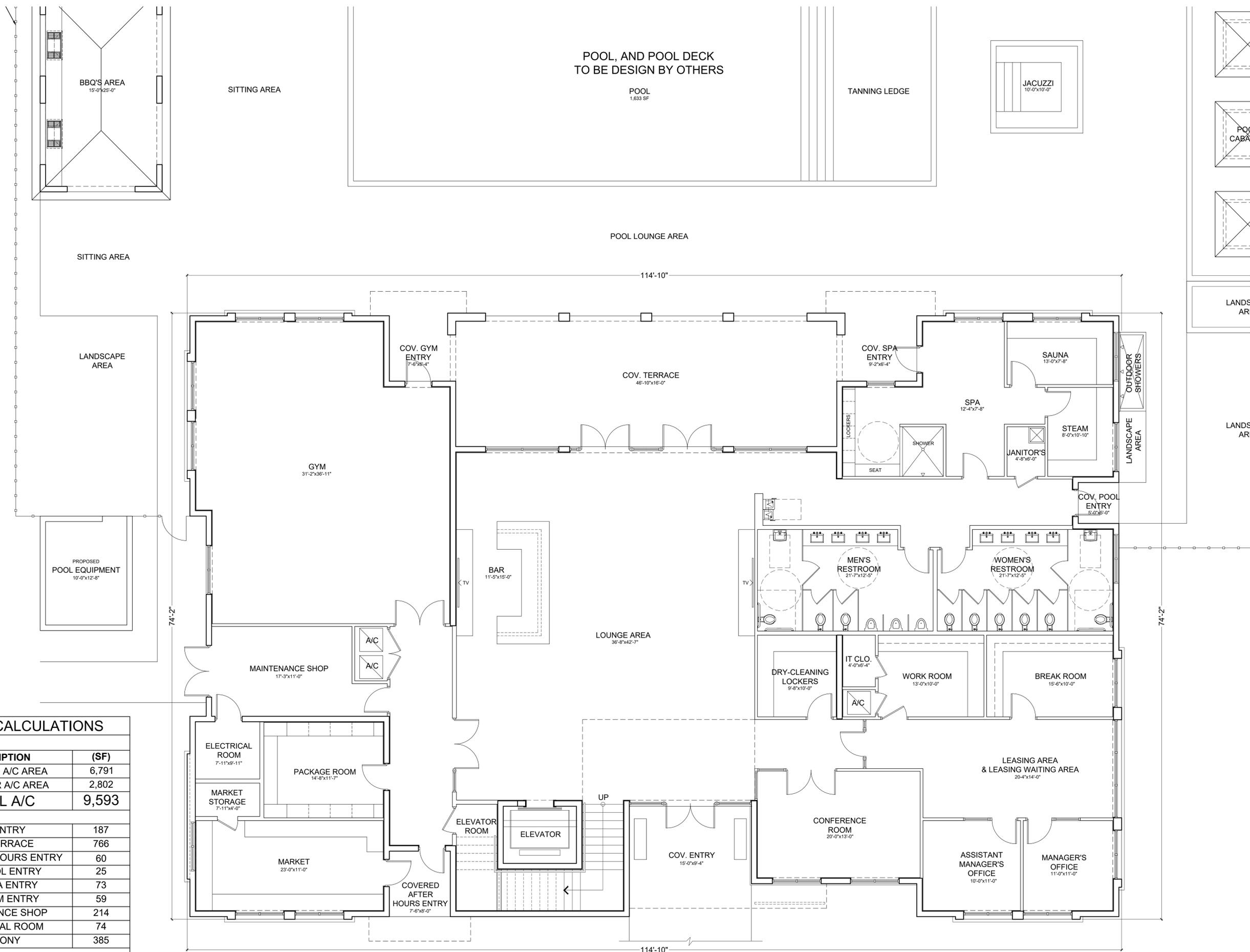


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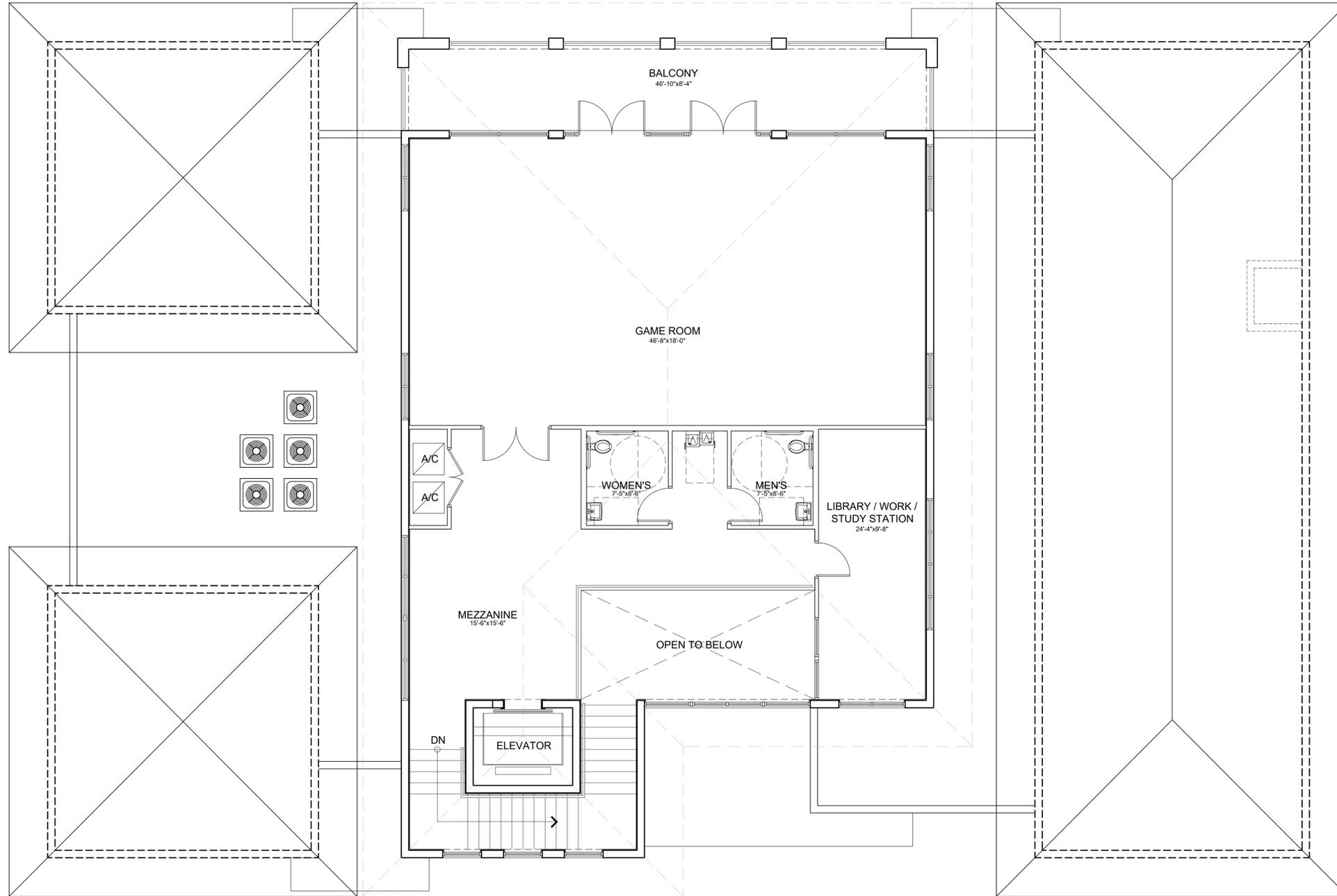
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AREA CALCULATIONS	
DESCRIPTION	(SF)
1ST FLOOR A/C AREA	6,791
2ND FLOOR A/C AREA	2,802
TOTAL A/C	9,593
COV. ENTRY	187
COV. TERRACE	766
COV. AFTER HOURS ENTRY	60
COV. POOL ENTRY	25
COV. SPA ENTRY	73
COV. GYM ENTRY	59
MAINTENANCE SHOP	214
ELECTRICAL ROOM	74
BALCONY	385
TOTAL GROSS	11,436

FIRST FLOOR PLAN
 SCALE: 3/16" = 1'-0"

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SECOND FLOOR PLAN
 SCALE: 3/16" = 1'-0"

**PASCUAL
 PEREZ
 KILIDDJIAN
 STARR**

& ASSOCIATES
 ARCHITECTS - PLANNERS
 LICENSE # AA 26001357

EDGARDO PEREZ, AIA
 LICENSE No.: AR 0015394
 MARIO P. PASCUAL, AIA
 LICENSE No.: AR 0008254
 PETER KILIDDJIAN, RA
 LICENSE No.: AR 0093067

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<http://www.ppkarch.com>

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REVISIONS:
 ▲ 2022-04-04 BD COMMENTS

OWNER:
 ESTATE COMPANIES

MULTI-FAMILY
 BY
 CITY OF RIVIERA BEACH

SEAL:
 Digitally signed by Edgardo Perez
 DN: cn=Perez, o=PPKarch.com, ou=Edgardo Perez, cn=Edgardo Perez, cn=Pascual, Perez, Kiliddjian, Starr & Associates, c=Doral, FL, ou=Florida, ou=US, Date: 2022.03.28 17:26:10-0400

CLUBHOUSE

FLOOR PLAN
 DATE: 2022-03-28
 SCALE: AS SHOWN
 DRAWN: SJ
 CHECK BY: PPK
 JOB NO.: 21-46

SA-11
 SHEET NO.:

MATERIALS LEGEND

- ① SCORED STUCCO LINES @ 30". PAINT COLOR: NETWORK GRAY SW 7073
- ② STONE: BRICK AMERICA QUICKSTACK - LEDGESTONE - WHITE FROST OR APPROVED EQUAL
- ③ SMOOTH STUCCO. PAINT COLOR: EXTRA WHITE SW 7006
- ④ SMOOTH STUCCO. PAINT COLOR: REPOSE GRAY SW 7015
- ⑤ ROOF FACIA AND BRACKETS. PAINT COLOR: BEST BRONZE SW 6160
- ⑥ METAL ROOF IN GRAY
- ⑦ WINDOW FRAMES, AND DOORS. COLOR: BRONZE



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



REAR ELEVATION
SCALE: 3/16" = 1'-0"

MATERIALS LEGEND

- ① SCORED STUCCO LINES @ 30". PAINT COLOR: NETWORK GRAY SW 7073
- ② STONE: BRICK AMERICA QUICKSTACK - LEDGESTONE - WHITE FROST OR APPROVED EQUAL
- ③ SMOOTH STUCCO. PAINT COLOR: EXTRA WHITE SW 7006
- ④ SMOOTH STUCCO. PAINT COLOR: REPOSE GRAY SW 7015
- ⑤ ROOF FACIA AND BRACKETS. PAINT COLOR: BEST BRONZE SW 6160
- ⑥ METAL ROOF IN GRAY
- ⑦ WINDOW FRAMES, AND DOORS. COLOR: BRONZE

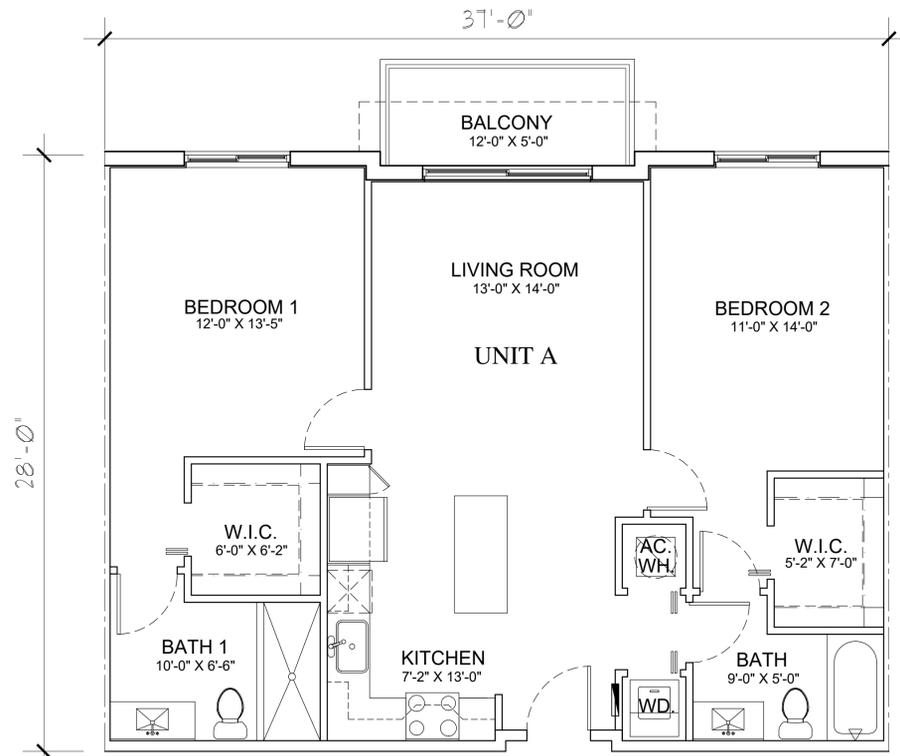


RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



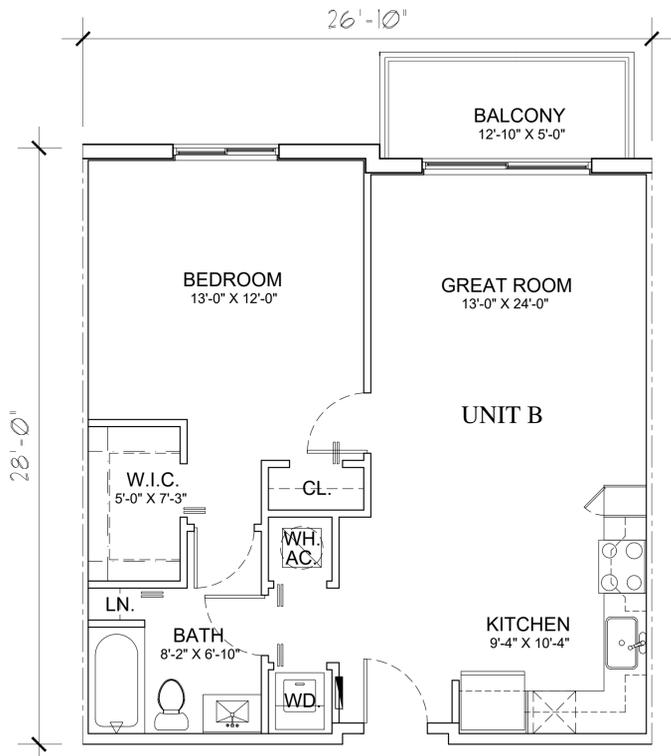
LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

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UNIT A (2 BDRM/ 2 BATH)

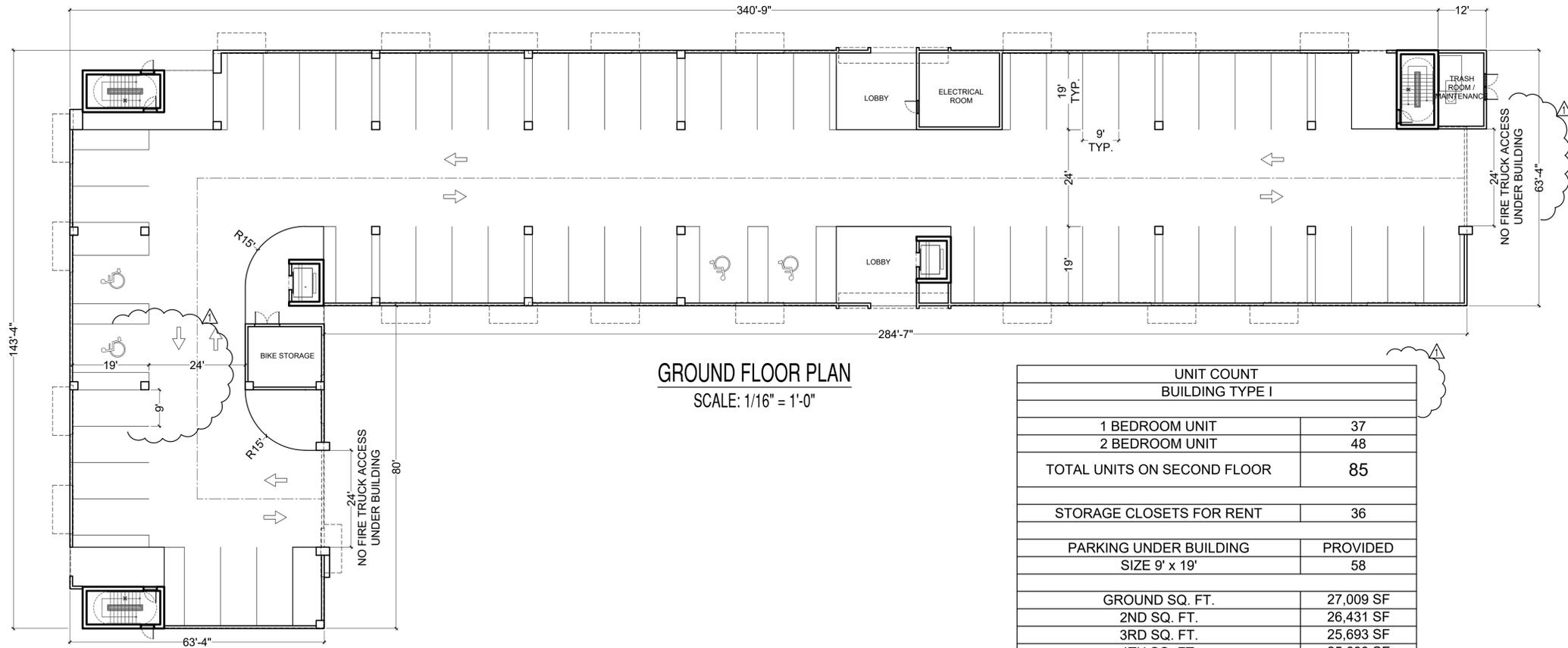
AREAS CALCULATIONS	
FLOOR A/C SPACE	1,032 SF
BALCONY	60 SF
TOTAL	1,092 SF



UNIT B (1 BDRM/ 1.5 BATH)

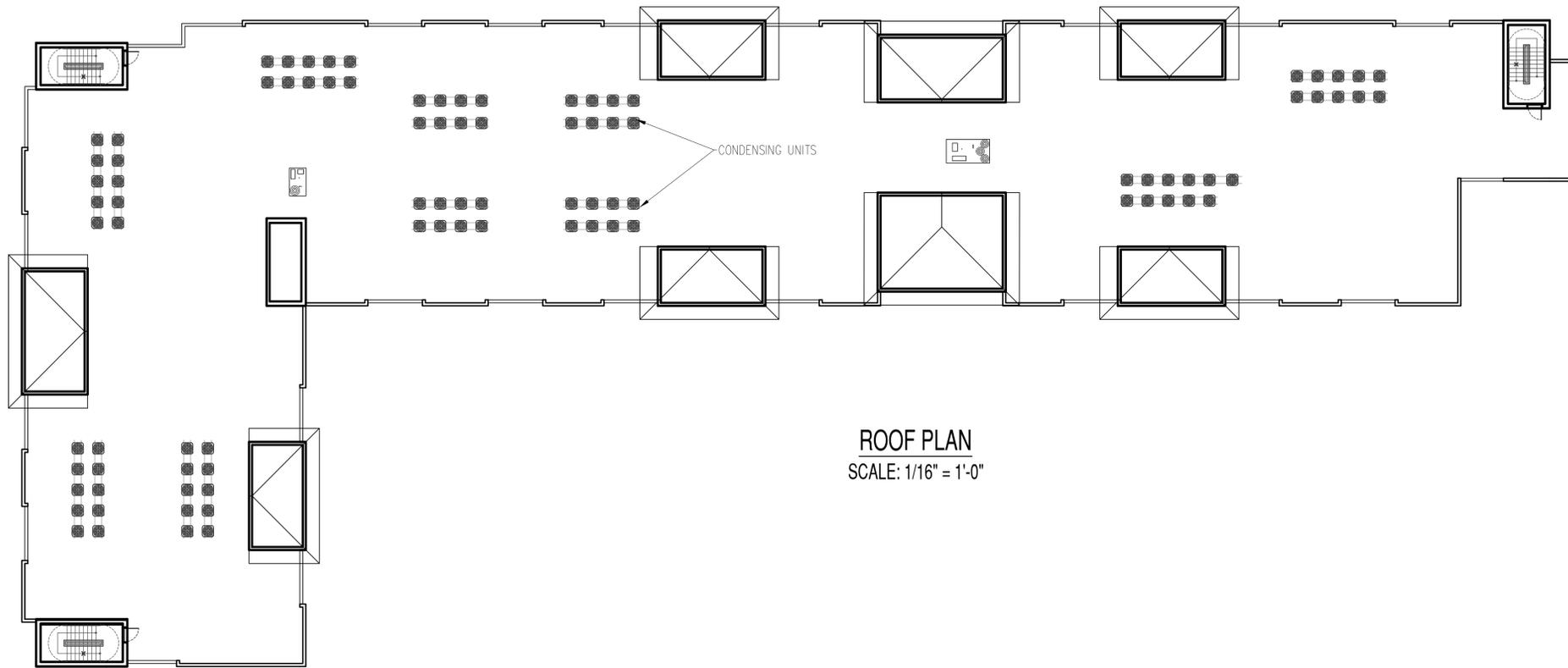
AREAS CALCULATIONS	
FLOOR A/C SPACE	745 SF
BALCONY	64 SF
TOTAL	809 SF

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UNIT COUNT BUILDING TYPE I	
1 BEDROOM UNIT	37
2 BEDROOM UNIT	48
TOTAL UNITS ON SECOND FLOOR	85
STORAGE CLOSETS FOR RENT	36
PARKING UNDER BUILDING SIZE 9' x 19'	PROVIDED 58
GROUND SQ. FT.	27,009 SF
2ND SQ. FT.	26,431 SF
3RD SQ. FT.	25,693 SF
4TH SQ. FT.	25,693 SF
5TH SQ. FT.	25,693 SF
TOTAL SQ. FT. BUILDING	130,519 SF
* MULTIFAMILY BUILDING WILL BE FIRE SPRINKLERED	

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ROOF PLAN
 SCALE: 1/16" = 1'-0"

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& ASSOCIATES
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REVISIONS:
 ▲ 2022-04-04 BD COMMENTS

OWNER:
 ESTATE COMPANIES

MULTI-FAMILY
 CITY OF RIVIERA BEACH, FLORIDA

SEAL:
 Digitally signed by Edgardo Perez
 DN: cn=Edgardo Perez, o=Pascual, Perez, Kiliddjian & Associates, L.L.C., c=Florida, CA=US
 Date: 2022.05.04 17:27:46-0400

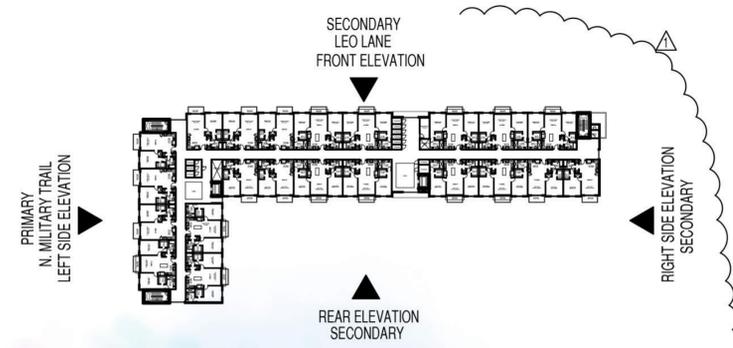
BUILDING TYPE I

ROOF PLAN
 DATE: 2022-04-04
 SCALE: AS SHOWN
 DRAWN: SJ
 CHECK BY: PPK
 JOB NO.:

A-2.3
 SHEET NO.:

MATERIALS LEGEND

- ① SCORED STUCCO LINES @ 30°. PAINT COLOR: EXTRA WHITE SW 7006
- ② SCORED STUCCO LINES @ 40°. PAINT COLOR: GRAYISH SW 6001
- ③ SCORED STUCCO LINES @ 8°. PAINT COLOR: EXTRA WHITE SW 7006
- ④ SMOOTH STUCCO. PAINT COLOR: GAUNTLET GRAY SW 7019
- ⑤ STUCCO TRIM. PAINT COLOR: EXTRA WHITE SW 7006
- ⑥ ROOF FACIA AND BRACKETS. PAINT COLOR: BEST BRONZE SW 6160
- ⑦ METAL ROOF IN GRAY
- ⑧ WINDOW FRAMES, RAILS, AND LOUVERS COLOR BRONZE



FRONT ELEVATION
SCALE: 1/16" = 1'-0"



REAR ELEVATION
SCALE: 1/16" = 1'-0"

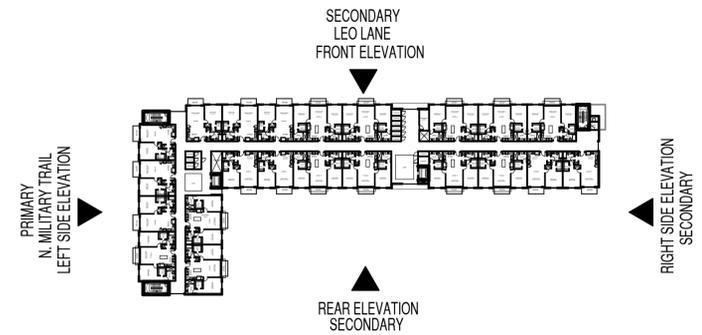


LEFT SIDE ELEVATION
SCALE: 1/16" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/16" = 1'-0"

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SECONDARY ELEVATION (FRONT)
FENESTRATION CALCULATION
SCALE: 1/16" = 1'-0"
19,314 SF FACADE TOTAL (MIN. 10% = 1,931.4 SF REQUIRED)
3,348 SF (17.33 %) WINDOWS / DOORS PROVIDED



SECONDARY ELEVATION (REAR)
FENESTRATION CALCULATION
SCALE: 1/16" = 1'-0"
19,472 SF FACADE TOTAL (MIN. 10% = 1,947 SF REQUIRED)
3,169 SF (16.28 %) WINDOWS / DOORS PROVIDED

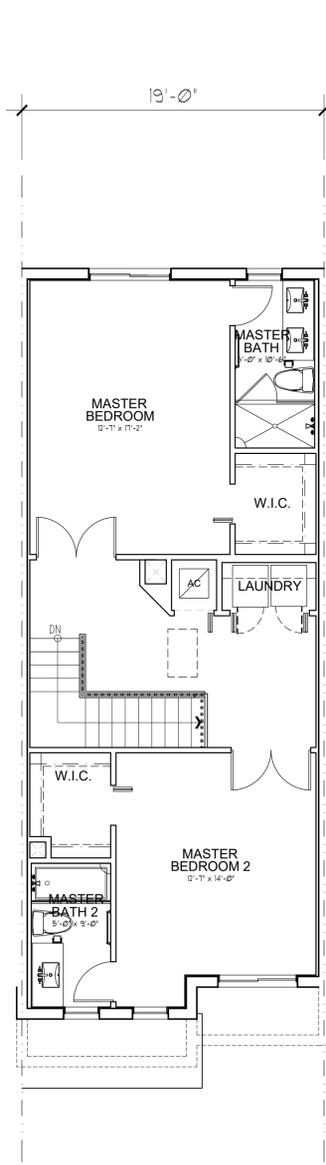


PRIMARY ELEVATION ON N. MILITARY TRAIL (LEFT SIDE)
FENESTRATION CALCULATION
SCALE: 1/16" = 1'-0"
7,948 SF FACADE TOTAL (MIN. 20% = 1,589.6 SF REQUIRED)
1,609 SF (20.25 %) WINDOWS / DOORS PROVIDED



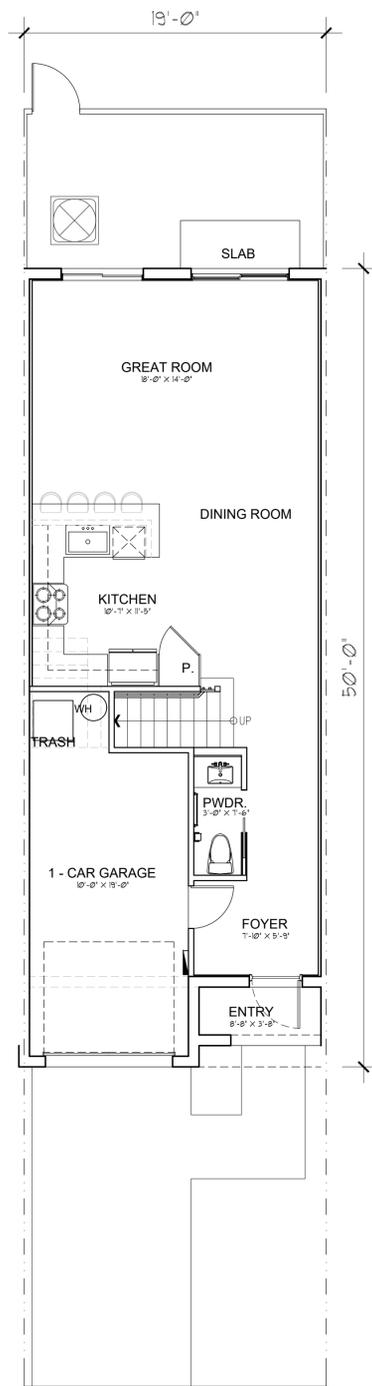
SECONDARY ELEVATION (RIGHT SIDE)
FENESTRATION CALCULATION
SCALE: 1/16" = 1'-0"
7,504 SF FACADE TOTAL (MIN. 10% = 750.4 SF REQUIRED)
1,035 SF (13.8 %) WINDOWS / DOORS PROVIDED

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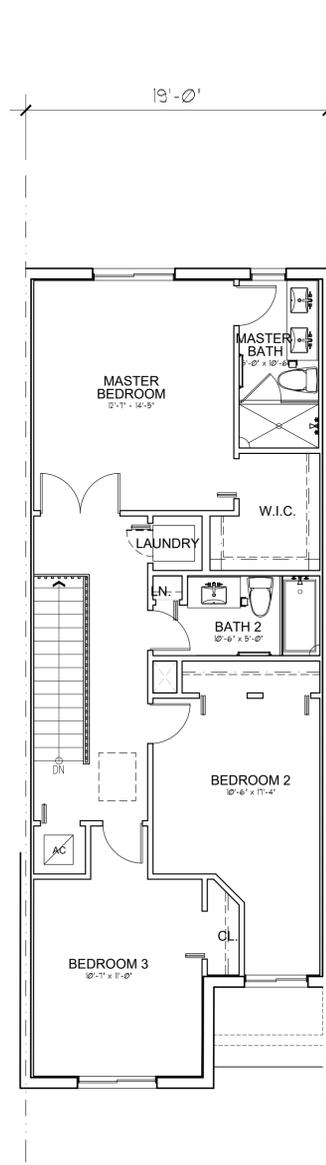


UNIT A
 SECOND FLOOR
 SCALE: 3/16" = 1'-0"

UNIT A AREA CALCULATION	
DESCRIPTION	(SF)
1SF FLOOR A/C AREA	685
2ND FLOOR A/C AREA	892
TOTAL A/C	1,577
GARAGE	225
COV. ENTRY	30
TOTAL GROSS	1,832

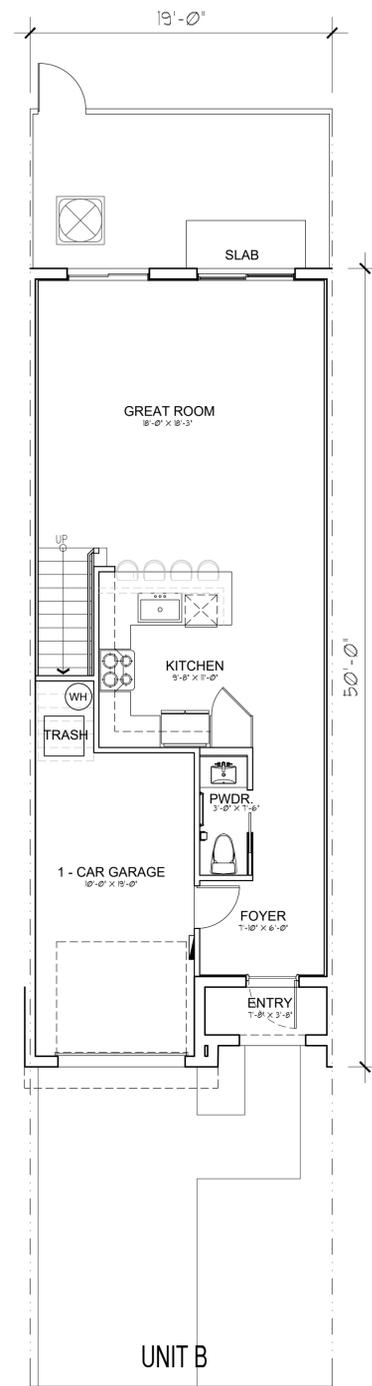


UNIT B
 GROUND FLOOR
 SCALE: 3/16" = 1'-0"

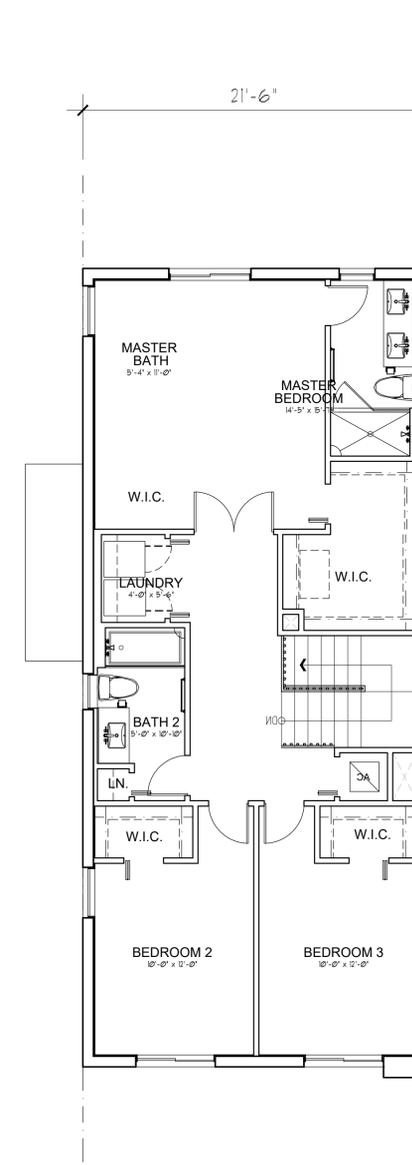


UNIT B
 SECOND FLOOR
 SCALE: 3/16" = 1'-0"

UNIT B AREA CALCULATION	
DESCRIPTION	(SF)
1SF FLOOR A/C AREA	685
2ND FLOOR A/C AREA	930
TOTAL A/C	1,615
GARAGE	225
COV. ENTRY	30
TOTAL GROSS	1,870

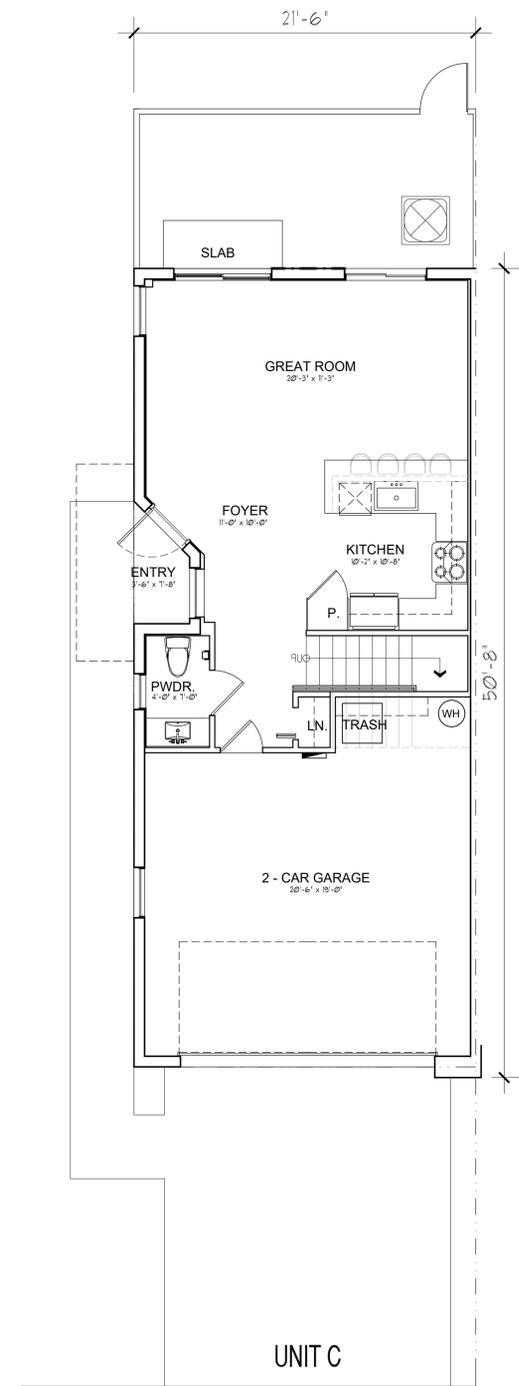


UNIT B
 GROUND FLOOR
 SCALE: 3/16" = 1'-0"

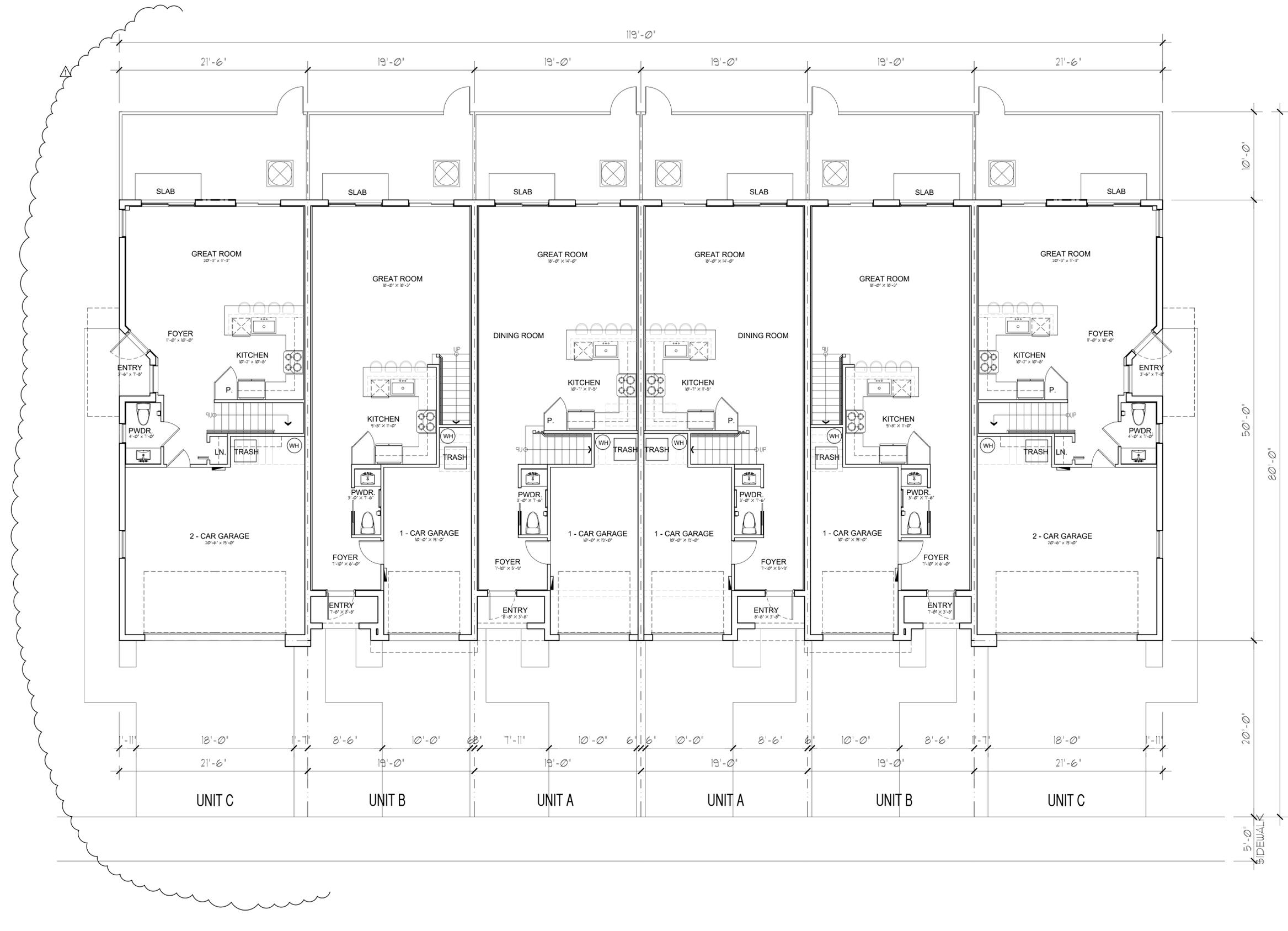


UNIT C
 SECOND FLOOR
 SCALE: 3/16" = 1'-0"

UNIT C AREA CALCULATION	
DESCRIPTION	(SF)
1SF FLOOR A/C AREA	601
2ND FLOOR A/C AREA	1,083
TOTAL A/C	1,684
GARAGE	455
COV. ENTRY	21
TOTAL GROSS	2,160



UNIT C
 GROUND FLOOR
 SCALE: 3/16" = 1'-0"

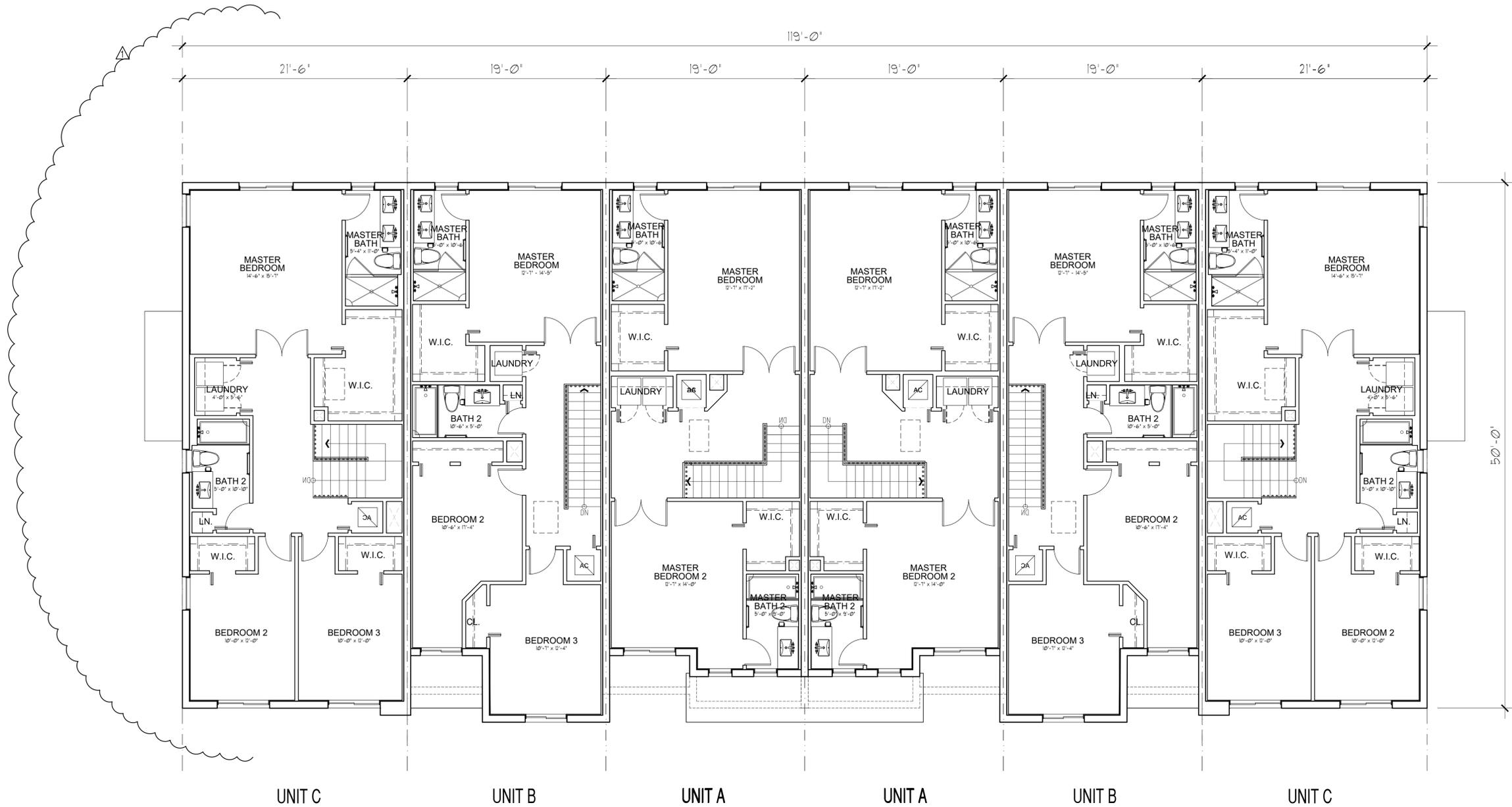


TYPE I - TOWNHOMES - 6 UNIT BUILDING

GROUND FLOOR

SCALE: 3/16" = 1'-0"

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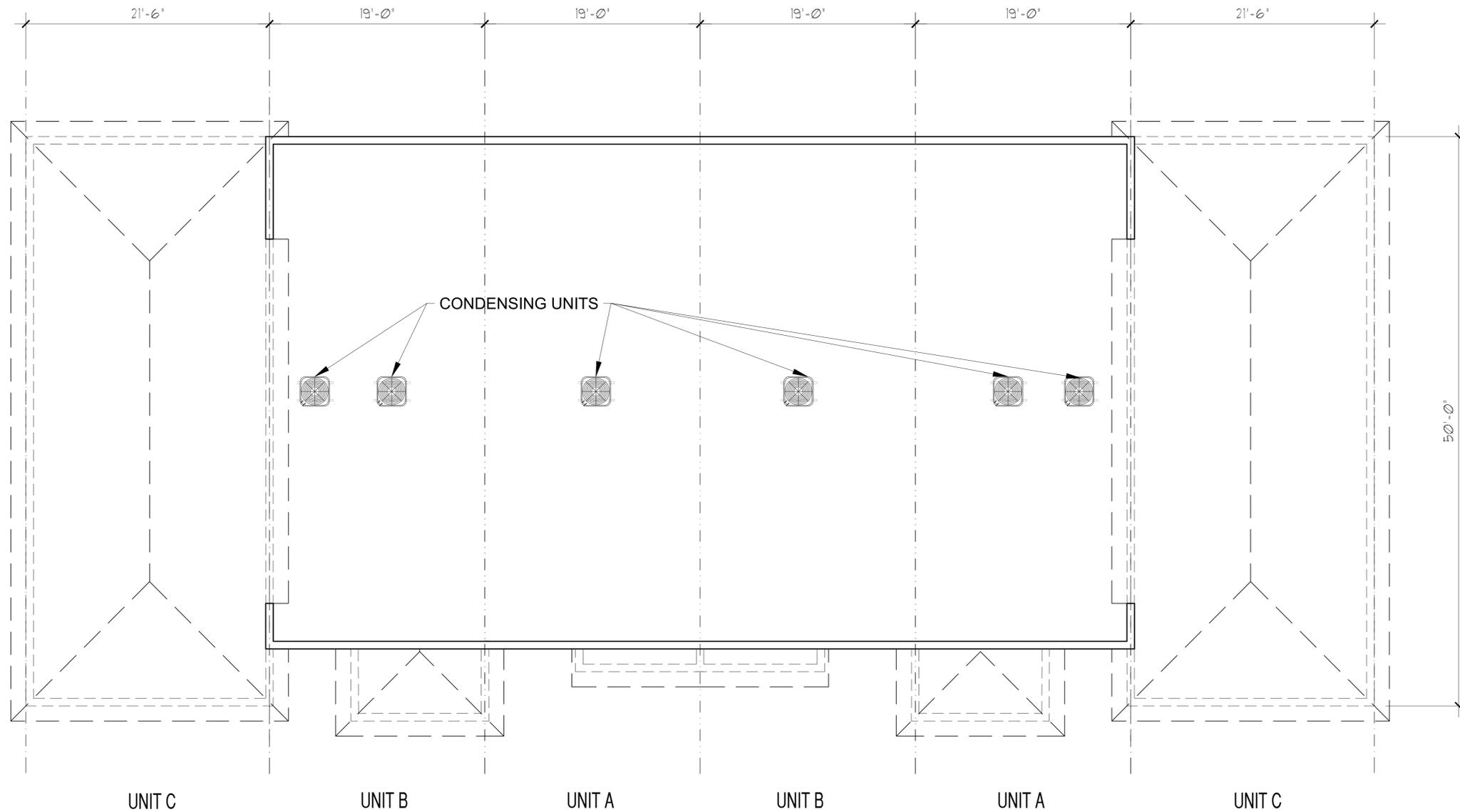


TYPE I - TOWNHOMES - 6 UNIT BUILDING

SECOND FLOOR

SCALE: 3/16" = 1'-0"

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TYPE I - TOWNHOMES - 6 UNIT BUILDING

ROOF FLOOR

SCALE: 3/16" = 1'-0"

MATERIALS LEGEND

- ① SCORED STUCCO LINES @ 16". PAINT COLOR: REPOSE GRAY SW 7015
- ② SCORED STUCCO LINES @ 8". PAINT COLOR: NETWORK GRAY SW 7073
- ③ SMOOTH STUCCO. PAINT COLOR: EXTRA WHITE SW 7006
- ④ STUCCO TRIM. PAINT COLOR: EXTRA WHITE SW 7006
- ⑤ ROOF FACIA AND BRACKETS. PAINT COLOR: BEST BRONZE SW 6160
- ⑥ METAL ROOF IN GRAY
- ⑦ WINDOW FRAMES, AND DOORS. COLOR: BRONZE
- ⑧ STONE: BRICK AMERICA QUICKSTACK - LEDGESTONE - WHITE FROST OR APPROVED EQUAL



TYPE I - TOWNHOMES - 6 UNIT BUILDING
FRONT ELEVATION

SCALE: 3/16" = 1'-0"

SEAL:
Digitally signed by Edgardo Perez
DN: cn=Edgardo Perez, o=Pascual, Perez, Kiliddjian, Starr & Associates, Ltd., c=United States of America, email=edgardo.perez@ppkarch.com, serial=1733000407

TOWNHOMES

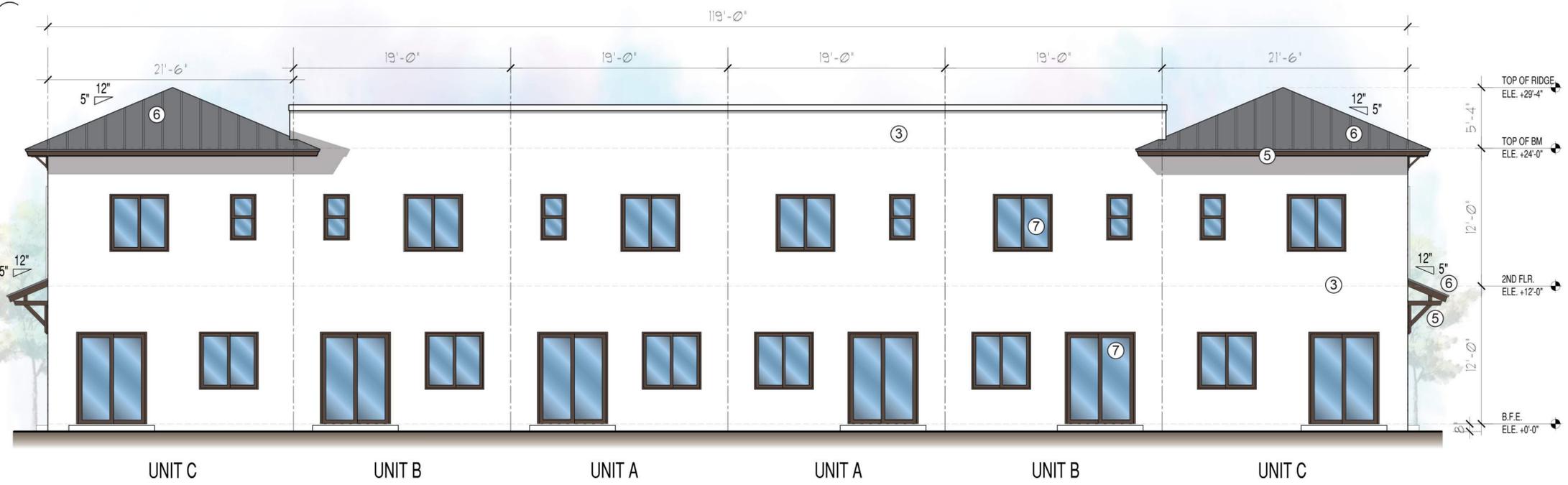
ELEVATION

DATE: 2022-04-04
SCALE: AS SHOWN
DRAWN: SJ
CHECK BY: PPK
JOB NO.:

A-7

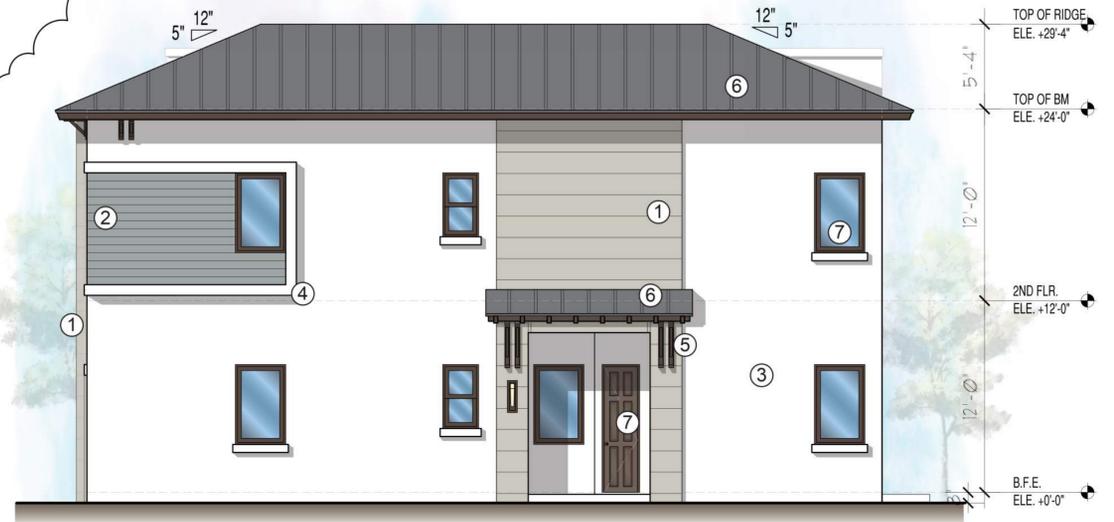
SHEET NO.:

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TYPE I - TOWNHOMES - 6 UNIT BUILDING
REAR ELEVATION

SCALE: 3/16" = 1'-0"



TYPE I - TOWNHOMES - 6 UNIT BUILDING
RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"



TYPE I - TOWNHOMES - 6 UNIT BUILDING
LEFT SIDE ELEVATION

SCALE: 3/16" = 1'-0"



City of Riviera Beach Staff Report
Case Number (VA-22-0001)
7920 Riviera Beach Holdings
June 23, 2022

A. Applicants: 7920 Riviera Beach Holdings, LLC

B. Request: An application from 7920 Riviera Beach Holdings, LLC., requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a front yard setback of 20' where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family Building 1; requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a 20' .38" setback where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family Building 3; and requesting a variance from Section 31-243(5)(f)(6) of the Code to provide a rear yard setback of 15' where the Code requires 20' for properties located west of Lake Worth for Townhome Building 10.

C. Location: The subject properties are, identified by the following PCN numbers: 56424225000001240, 56424225000001230, 56424225000001070, 56424225000001140, 56424225000001030, 56424225000001020, 56424225000001040.

D. Property Description and Uses: The subject property description and uses are as follows:

<u>Parcel Control Numbers:</u>	as listed above
<u>Parcel Size:</u>	~15.77 Acres
<u>Existing Use:</u>	Light Industrial Manufacturing/Office
<u>Zoning:</u>	(CG) General Commercial/(RML-12) Low Density Multiple Family Dwelling District up to 12 units/acre
<u>Future Land Use:</u>	(COM) Commercial, or (MF-15) Medium Density Multi-Family Residential up to 15 units/acre

E. Adjacent Property Description and Uses:

<u>North:</u>	Mobile Home Park
<u>South:</u>	Low density multi-family residential
<u>East:</u>	Assisted Living facility
<u>West:</u>	Low density multi-family residential

F. Background:

The applicant is requesting three variances for relief from two sections of the code: the front yard setback for high rise buildings for two buildings, and second, the rear yard setback for townhomes.

As per their submitted documentation they are requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a front yard setback of 20' where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family



Building 1; requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a 20'.38" setback where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family Building 3; and requesting a variance from Section 31-243(5)(f)(6) of the Code to provide a rear yard setback of 15' where the Code requires 20' for properties located west of Lake Worth for Townhome Building 10.

Variances, or relief, is typically supported when it can be demonstrated that there are unique circumstances relating to the soil conditions, shape, or topography of the land, and especially affecting such land but not affecting generally the zoning district in which it is located.

G. Staff Analysis:

Proposed Use: The proposed use is a new multi-family development consisting of 60 townhomes and 255 multi-family market rate units, totalling 315 units and a density of 20 units/acre where 12 units/acre is allowed by the zoning.

Zoning Regulations: The properties that combined support the proposed project are zoned CG General Commercial along North Military Trail, and then RML 12 Low Density multifamily housing to the east of N. Military Trail. The Applicant is seeking to rezone all of the land to RM-20 high density multifamily housing in order to achieve the buildout density of 20 units an acre that they desire.

FRONT YARD BUILDING SETBACK VARIANCE REQUEST ANALYSIS- Section 31-243(5)(f)(1)

Request: The applicant requested relief from Section 31-243(5)(f)(1) relative to the front yard setback requirement. I believe that the section that they actually want relief from is Section 31-243(7) *High-rise setback: all buildings in excess of two stories shall provide two feet additional setback from each property line for each additional story of height.*

Sec. 31-42. Grounds and criteria for approving applications for variances; imposing time limits on such approvals; prohibited variances.

(a) Generally. The development special magistrate may approve an application for a variance or relief from the land development code where such variance or relief is not contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the land development would result in unnecessary and undue hardship. The development special magistrate may grant such variance or relief only where all criteria are met by the applicant.

(b) Specifically. The development special magistrate may grant an application for a variance or relief from the land development code based on the following criteria:

- (1) Mandatory specific criteria for approving variances or relief. In order to authorize any variance or relief under the terms of this article, the development special magistrate must find all of the following specific criteria:*

- a. *Existence of special conditions or circumstances. That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.*

Staff Comment: There are no special conditions or circumstances relative to the land, structure or building which is subject to these requests. The applicant has requested to re-zone and then up-zone the properties to a zoning designation that the zoning map and the future land use map don't contemplate or support in this areas. The adjacent properties on the east, south and west are all developed in conformance with the current zoning and land use maps. (The property to the north, across the canal, is in unincorporated Palm Beach County).

The Applicant is then requesting relief from the development standards in the district they are asking to rezone to in order to build high rise high density apartment buildings without meeting the high rise design standards. The current zoning district, and in fact the entire area does not have any high rises presently and is not zoned for high rises presently.

- b. *Conditions not created by applicant. That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.*

Staff Comment: The code that the Applicant is seeking relief from only applies to this project by virtue of their requested re-zoning action. Furthermore, the applicant could easily meet the setback requirement for stories 3-5 as required, and the base level of the building (footprint) does not have to change as a 20' front setback is required and their project design meets that standard.

- c. *Special privileges not conferred. That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.*

Staff Comment: Granting relief to this section of the code would certainly confer special privilege and set precedent, and it would follow that other developers would request similar consideration. Staff has not identified a compelling reason to treat this project differently than every other development or redevelopment proposal.

- d. *Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.*

Staff Comment: The enforcement of the ordinance does not create undue hardship for the applicant. Staff has explained to the development team that they have the option of stepping the buildings in story by story, or, simply stepping the top 3 stories in by 6' so the building has a two story base, and the upper stories are

slightly recessed. This is an economical way to handle the structural design of the building. The required setbacks are not at ground level, they start with the third floor, so the customer has the dimensional area to meet the design requirements of the code.

(2) *Supplementary criteria to be used in any approval of a request for a variance or relief from the land development code. The development special magistrate shall also use the following standards when granting a requested variance or relief from the land development code:*

a. *Minimum variance only to be granted. That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.*

Staff Comment: The project can be constructed without the benefit of relief from this section. The Applicant seeks to up-zone the property but then does not wish to follow the development standard in the new zoning district for the type of development the zoning district would enable them to build.

b. *Variances to lot minimum requirements. Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.*

Staff Comment: This is not applicable.

c. *Not injurious to public welfare or intent of ordinance. The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Staff Comment: Setbacks and building separation distances are in place for several reasons. Setbacks provide space for light, air and landscape buffers between buildings and uses. Setbacks also provide relief from building massing.

The requested relief is not in harmony with the comprehensive plan or the land development code as it is for a building mass and density that the comprehensive plan does not contemplate in the area presently and the relief requested would eliminate a development standard intended to help mitigate the impact of the building being developed.

- d. *Conditions and safeguards may be imposed. In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.*

Staff Comment: Staff has not identified any special conditions or safeguards to impose. If the Applicant wishes to build a high rise building in this location they should adhere to the development standards because they are able to, they simply don't want to. Staff does not support this variance request and does not think that the Applicant has met the burden of proof to qualify for the requested relief.

REAR YARD SETBACK VARIANCE REQUEST ANALYSIS

Request: The Applicant is requesting a variance from Section 31-243(5)(f)(6) of the Code to provide a rear yard setback of 15' where the Code requires 20' for properties located west of Lake Worth for Townhome Building 10.

Sec. 31-42. Grounds and criteria for approving applications for variances; imposing time limits on such approvals; prohibited variances.

(a) Generally. The development special magistrate may approve an application for a variance or relief from the land development code where such variance or relief is not contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the land development would result in unnecessary and undue hardship. The development special magistrate may grant such variance or relief only where all criteria are met by the applicant.

(b) Specifically. The development special magistrate may grant an application for a variance or relief from the land development code based on the following criteria:

- (1) *Mandatory specific criteria for approving variances or relief. In order to authorize any variance or relief under the terms of this article, the development special magistrate must find all of the following specific criteria:*
 - a. *Existence of special conditions or circumstances. That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.*

Staff Comment: There are no special conditions or circumstances relative to the land, structure or building which is subject to this request. This is a large site and the project design team could find an additional 5' to meet the requirements of the regulations.

- b. *Conditions not created by applicant. That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.*

Staff Comment: The need for the dimensional variance is the project design. The project site is almost 16 acres in size and could have been designed to meet the code.

- c. *Special privileges not conferred. That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.*

Staff Comment: Granting relief as requested would certainly confer special privilege and it would follow that other developers of Town Homes would request similar consideration. It would set a precedent. It also would result in a rear yard that is rather limited in size.

- d. *Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.*

Staff Comment: The site design could be modified to meet the required setback. In staff's opinion there is no hardship justification for the relief (variances) that was requested.

- (2) *Supplementary criteria to be used in any approval of a request for a variance or relief from the land development code. The development special magistrate shall also use the following standards when granting a requested variance or relief from the land development code:*

- a. *Minimum variance only to be granted. That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.*

Staff Comment: Staff concedes that the Applicant is only seeking the specific relief indicated by the proposed project design.

- b. *Variances to lot minimum requirements. Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an*

affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.

Staff Comment: This is not applicable.

- c. *Not injurious to public welfare or intent of ordinance. The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Staff Comment: Yard setbacks provide opportunities for passive and active recreation, as well as circulation of air and light. They also provide the space for the required landscape buffer to be installed. Providing a smaller rear yard setback would only impact the owners of those units and the immediate proximate abutter (assisted living facility) by allowing the building to be 5' closer to the property line.

- d. *Conditions and safeguards may be imposed. In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.*

Staff Comment: Staff has not identified any special conditions or safeguards to impose. Staff does not think that the Applicant has met the burden of proof to qualify for the requested relief. Should this request for relief be granted the developers and the future owners would be the impacted parties and there would likely be a de minimus impact on the assisted living facility which is the immediate abutter.

H. Recommendation:

Staff recommends DENIAL of the subject application (VA-22-0001) requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a front yard setback of 20' where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family Building 1; requesting a variance from Section 31-243(5)(f)(1) of the Code to provide a 20'.38" setback where the Code requires 26' for properties that are located west of Lake Worth and exceed two stories for Multi-family Building 3; and requesting a variance from Section 31-243(5)(f)(6) of the Code to provide a rear yard setback of 15' where the Code requires 20' for properties located west of Lake Worth for Townhome Building 10, for a development which encompasses the following properties, identified by the following PCN numbers: 56424225000001240, 56424225000001230, 56424225000001070, 56424225000001140, 56424225000001030, 56424225000001020, 56424225000001040, having a Future Land Use designation of either (COM) Commercial, or (MF-15) Medium Density Multi-Family Residential up to 15 units/acre, and having a

Zoning designation of either (CG) General Commercial or (RML-12) Low Density Multiple Family Dwelling District up to 12 units/acre, providing for the following findings, and providing for an effective date:

1. There are no special circumstances or conditions relative to the land, structure or building which is subject to these requests.
2. Granting the variances would confer special privileges on the applicant and set a precedent for similar requests from other developers as there is no unique compelling reason to grant the relief in this instance.
3. The enforcement of the LDC does not create undue hardship.
4. The applicant can construct the project without the requested relief.
5. Setbacks are required for public health, safety and welfare and to mitigate the impact of the project design.

The Legal Description of the properties is: Parcel 1-A-D: A. THE SOUTH 120 FEET OF THE NORTH 280 FEET OF THE EAST 266 FEET OF THE WEST 316 FEET OF THE NORTH ½ OF THE NORTHEAST ¼ SECTION OF 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THEREFROM THE SOUTH 12 FEE AS DESCRIBED IN OR BOOK 222 AT PAGE 137, AND ALSO LESS ROAD RIGHT OF WAY FOR STATE ROAD 809, AS CONVEYED BY DEED RECORDED IN OR BOOK 2651 AT PAGE 1902, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. **B:** THE EAST 276 FEET OF THE WEST 592 FEET OF THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. **C.** THE SOUTH 120 FEET OF THE NORTH 516 FEET OF THE EAST 256 FEET OF THE WEST 316 FEET OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. **D.** A PARCEL OF LAND LYING WITHIN THE NE ¼ OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, MORE PARTICULARLY DESCRIBED AS THE SOUTH 120 FEET OF THE NORTH 160 FEET OF THE EAST 266 FEET OF THE WEST 316 FEET OF THE NE ¼ OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. **PARCEL 1-E (EASEMENT INTEREST)** - TOGETHER WITH AN EASEMENT OVER THE SOUTH 12 FEET OF THE SOUTH 120 FEET OF THE NORTH 280 FEET OF THE EAST 266 OF WEST 316 FEET, ALL BEING IN THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST. **PARCEL 2-A (FEE SIMPLE)** - THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 138 FEET OF THE WEST 730 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. **PARCEL 2-B (EASEMENT INTEREST)** - EASEMETN FOR ROAD AND UTILITY PURPOSES CONTAINED IN INSTRUMENT RECORDED ULY 14, 1960, UNDER O.R. BOOK 529, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTH 50 FEET OF THE ORTH 686 FEET OF THE NORTH HALF (N ½) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF. **PARCEL 3-A (FEE SIMPLE) - GARDEN SHOP INVESTMENTS** THE SOUTH 596 FEET OF THE NORTH 6363 FEET OF TH EAST 330 FEET OF THE WEST 1060 FEET OF THE NORTH HALF OF

THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. **PARCEL 4-A (FEE SIMPLE) - EF VEGETATION & NURSERY** -THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 330 FEET OF THE WEST 1390 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA, EXCEPTING THEREFROM THE SOUTH 266 FEET OF THE EAST 175 FEET. **PARCEL 4-B (EASEMENT INTEREST)** - EASEMENT FOR ROAD AND UTILITY PURPOSES CONTAINED IN INSTRUMENT RECORDED JULY 14, 1960, UNDER O. R. BOOK 529, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTH 50 FEET OF THE NORTH 686 FEET OF THE NORTH HALF (N ½) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF.

DESCRIPTION:

PARCEL 1--A--D

A) THE SOUTH 120 FEET OF THE NORTH 280 FEET OF THE EAST 266 FEET OF THE WEST 316 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THEREFROM THE SOUTH 12 FEET AS DESCRIBED IN OR BOOK 222 AT PAGE 137, AND ALSO LESS ROAD RIGHT OF WAY FOR STATE ROAD 809, AS CONVEYED BY DEED RECORDED IN OR BOOK 2651 AT PAGE 1902, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

B) THE EAST 276 FEET OF THE WEST 592 FEET OF THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

C) THE SOUTH 120 FEET OF THE NORTH 516 FEET OF THE EAST 256 FEET OF THE WEST 316 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

D) A PARCEL OF LAND LYING WITHIN THE NE 1/4 OF SECTION 25, TOWNSHIP 42, SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, MORE PARTICULARLY DESCRIBED AS THE SOUTH 120 FEET OF THE NORTH 160 FEET OF THE EAST 266 FEET OF THE WEST 316 FEET OF THE NE 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 1--E (EASEMENT INTEREST)

TOGETHER WITH AN EASEMENT OVER THE SOUTH 12 FEET OF THE SOUTH 120 FEET OF THE NORTH 280 FEET OF THE EAST 266 OF WEST 316 FEET, ALL BEING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST.

PARCEL 2--A (FEE SIMPLE)

THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 138 FEET OF THE WEST 730 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 2--B (EASEMENT INTEREST)

EASEMENT FOR ROAD AND UTILITY PURPOSES CONTAINED IN INSTRUMENT RECORDED JULY 14, 1960, UNDER O.R. BOOK 529, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTH 50 FEET OF THE NORTH 686 FEET OF THE NORTH HALF (N 1/2) OF THE NORTHEAST ONE--QUARTER (NE 1/4) OF SAID SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF.

PARCEL 3--A (FEE SIMPLE) GARDEN SHOPS INVESTMENTS

THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 330 FEET OF THE WEST 1060 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 4--A (FEE SIMPLE) EF VEGETATION & NURSERY

THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 330 FEET OF THE WEST 1390 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, EXCEPTING THEREFROM THE SOUTH 266 FEET OF THE EAST 175 FEET.

PARCEL 4--B (EASEMENT INTEREST)

EASEMENT FOR ROAD AND UTILITY PURPOSES CONTAINED IN INSTRUMENT RECORDED JULY 14, 1960, UNDER O.R. BOOK 529, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTH 50 FEET OF THE NORTH 686 FEET OF THE NORTH HALF (N 1/2) OF THE NORTHEAST ONE--QUARTER (NE 1/4) OF SAID SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF.

SCHEDULE B--II EXCEPTIONS

LEGEND: (AAS) = AFFECTS AS SHOWN; (ANP) = AFFECTS NOT PLOTTABLE ITEMS; (DNA) = DOES NOT AFFECT

- DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE COMMITMENT DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
- GENERAL OR SPECIAL TAXES AND ASSESSMENTS REQUIRED TO BE PAID IN THE YEAR 2021 AND SUBSEQUENT YEARS.
- STANDARD EXCEPTIONS:
 - ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE THAT WOULD BE DISCLOSED BY AN INSPECTION OR AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND INSPECTION OF THE LAND.
 - RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT RECORDED IN THE PUBLIC RECORDS.
 - ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL FURNISHED, IMPOSED BY LAW AND NOT RECORDED IN THE PUBLIC RECORDS.
 - TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS IN THE PUBLIC RECORDS.
- ANY CLAIM THAT ANY PORTION OF THE INSURED LAND IS SOVEREIGN LANDS OF THE STATE OF FLORIDA, INCLUDING SUBMERGED, FILLED OR ARTIFICIALLY EXPOSED LANDS ACCRETED TO SUCH LAND.
- ANY LIEN PROVIDED BY COUNTY ORDINANCE OR BY CHAPTER 159, F.S., IN FAVOR OF ANY CITY, TOWN, VILLAGE OR PORT AUTHORITY, FOR UNPAID SERVICE CHARGES FOR SERVICES BY ANY WATER, SEWER OR GAS SYSTEMS SUPPLYING THE INSURED LAND.
- EASEMENT RESERVATION FOR ROAD AND UTILITY PURPOSES SET FORTH AND RESERVED IN DEED FILED JULY 10, 1960, RECORDED IN OFFICIAL RECORDS BOOK 529, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (PARCELS 2, 3, & 4) (AAS)
- EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY, DATED JANUARY 30, 1973, RECORDED IN OFFICIAL RECORDS BOOK 2124, PAGE 1537, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (PARCEL 4) (AAS)
- EASEMENT RESERVED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 20048, PAGE 996, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (PARCEL 1) (AAS)
- MATTER SET FORTH ON COUNTY OF PALM BEACH RIGHT--OF--WAY MAP RECORDED IN ROAD PLAT 7, PAGE 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (PARCEL 1) (AAS)

LEGEND/ABBREVIATIONS

- | | |
|--|--|
| <ul style="list-style-type: none"> CL - CENTERLINE B.C.R. - BROWARD COUNTY RECORDS BTM - BOTTOM OF STRUCTURE CLF - CHAIN LINK FENCE OMP - CORRUGATED METAL PIPE CO - COMPANY CONC. - CONCRETE COR - CORNER ENG. - ENGINEERING FNC - FENCE F.P.&L. - FLORIDA POWER & LIGHT HDPE - HIGH-DENSITY POLYETHYLENE HYD - FIRE HYDRANT INV. - INVERT I.R./CAP - IRON ROD & CAP LB - LICENSED BUSINESS MBX - MAILBOX NLD - NAIL & DISK O.H.W. - OVERHEAD ELECTRICAL WIRE O.R.B. - OFFICIAL RECORD BOOK P.B. - PLAT BOOK PG. - PAGE P.R.M. - PERMANENT REFERENCE MONUMENT PS - PEDESTRIAN SIGNAL PST - POST PVC - VINYL FENCE R/W - RIGHT--OF--WAY SMA - MAST ARM SRVC - ELECTRICAL SERVICE BOX SQ. FT. - SQUARE FEET WDF - WOOD FENCE WV - WATER VALVE | <ul style="list-style-type: none"> ANCHOR BENCHMARK BIKE LANE SYMBOL CENTER LINE LIGHT POLE DELINEATOR POST CONCRETE POWER POLE EXISTING ELEVATION FIRE HYDRANT STRAIGHT AND LEFT TURNING ARROW RIGHT TURNING ARROW SEWER VALVE POST STRAIGHT ARROW TRAFFIC SIGN WATER METER WATER VALVE WIRE PULL BOX WOOD POWER POLE (UNLESS NOTED) BACK FLOW VALVE AIR RELEASE VALVE PEDESTRIAN SIGNAL MAST ARM ELECTRICAL SERVICE CABINET MAILBOX |
|--|--|

SURVEYOR'S NOTES AND REPORT:

- REPRODUCTIONS OF THIS SURVEY ARE NOT VALID WITHOUT A SIGNED AND SEALED OR VERIFIABLE ELECTRONIC SIGNATURE OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT AND MATCHES THE DESCRIPTION IN THE TITLE COMMITMENT.
- BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF SOUTH 88°48'19" EAST ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT).
- COORDINATES SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT) IN U.S. SURVEY FEET.
- PLOTTABLE MATTERS CONTAINED IN THE ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NUMBER: 9748744, DATED AUGUST 18, 2021 AT 11:00 PM, ARE REFLECTED ON THE SURVEY SHOWN HEREON.
- THIS SURVEY DOES NOT IDENTIFY THE LIMITS OR EXTENT OF POTENTIAL JURISDICTIONAL BOUNDARIES.
- AT THE TIME OF THIS SURVEY THERE WAS NO OBSERVABLE SURFACE EVIDENCE OF EARTH MOVING WORK OR BUILDING CONSTRUCTION, HOWEVER THERE WAS EVIDENCE OF TREE/VEGETATION CLEARING.
- BUILDINGS AND STRUCTURES LOCATED ON THE SUBJECT PROPERTY AT THE TIME OF THIS SURVEY ARE SHOWN HEREON.
- AT THE TIME OF THIS SURVEY THERE WERE NO DEDICATED PARKING SPACES ON THE SUBJECT PROPERTY.
- AT THE TIME OF THE SURVEY THERE WAS NO EVIDENCE OF PROPOSED CHANGES IN STREET RIGHT--OF--WAY LINES OR EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- SUBJECT LANDS DO NOT LIE WITHIN A FEMA FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) NUMBER: 12099C0386F, WITH AN EFFECTIVE DATE OF OCTOBER 5, 2017.
- BENCHMARK ORIGIN DESCRIPTION: "FDOT BM3" ELEVATION=15.706', PER PALM BEACH COUNTY VERTICAL CONTROL MAP.
- ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.
- SITE ADDRESSES:
 - 7880-7982 N. MILITARY TRAIL, RIVIERA BEACH, FL 33410
 - 4411 LEO LANE, RIVIERA BEACH, FL 33410
 - 4123 LEO LANE, RIVIERA BEACH, FL 33410
 - 4279 LEO LANE, RIVIERA BEACH, FL 33410
- ADJACENT LAND OWNERS SHOWN HEREON WERE OBTAINED FROM THE PALM BEACH COUNTY PROPERTY APPRAISER'S WEBSITE ON NOVEMBER 1, 2021.
- SUBJECT LANDS SHOWN HEREON CONTAIN 15.769 ACRES, MORE OR LESS.

NOTE

COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 (90/98 ADJUSTMENT)
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 SCALE FACTOR = 1.000038935
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,
 NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE.

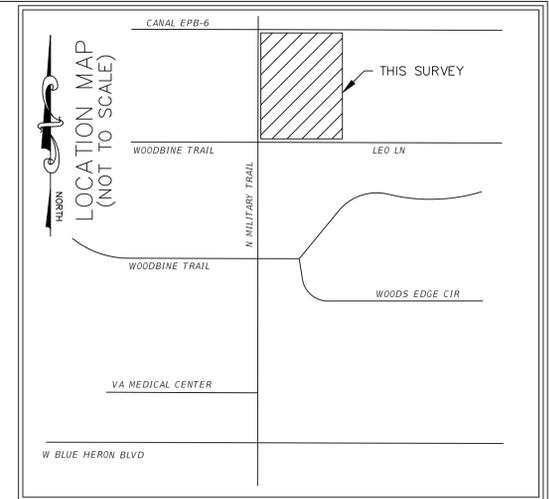
CERTIFIED TO:

FIDELITY NATIONAL TITLE INSURANCE COMPANY
 7920 RIVIERA BEACH HOLDINGS, LLC
 STEVEN M. LEE, PA
 SEACOAST NATIONAL BANK, N.A., ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 8, 9, 11a, 13, 16, 18, & 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON NOVEMBER 5, 2021.

DATE OF PLAT OR MAP: NOVEMBER 5, 2021

DAVID P. LINDLEY, PSM
 STATE OF FLORIDA NO. 5005



REVISED LEGAL DESCRIPTION	11/19/2021	LP	BY
UPDATED CERTIFICATION	12/15/2021	LP	DATE
REVISIONS			
FILE NAME	0000		

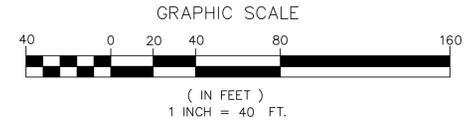
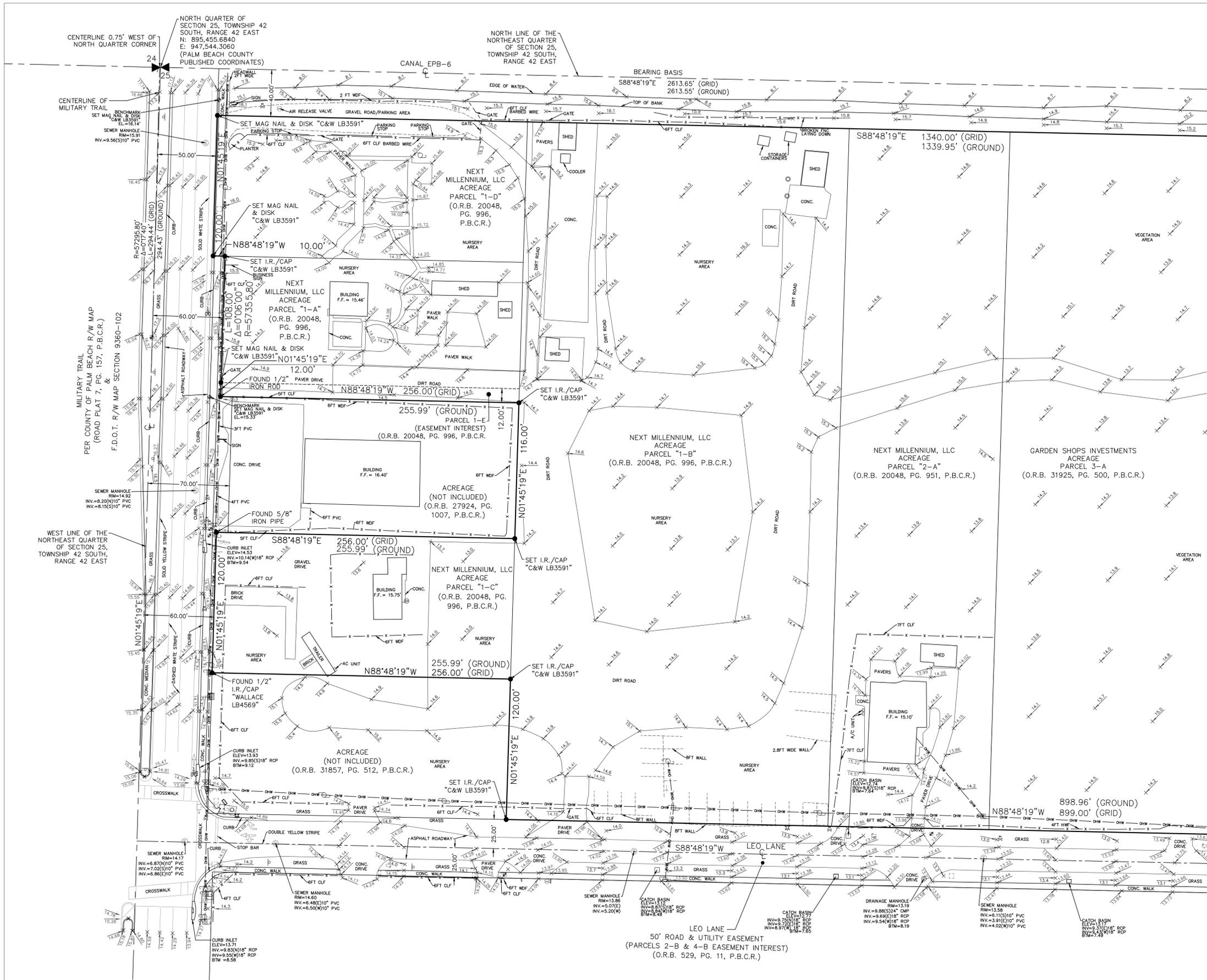
CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33424
 PHONE (561)-392-1991 / FAX (561)-750-1452

BOUNDARY SURVEY
 ALTA/NSPS LAND TITLE SURVEY
 PORTIONS OF THE NE 1/4 OF SECTION 25,
 TOWNSHIP 42 SOUTH, RANGE 42 EAST,
 PALM BEACH COUNTY, FLORIDA

DATE	11/05/2021
DRAWN BY	PL
F.B./ PG.	21-2
SCALE	AS SHOWN

David Lindley
 REGISTERED LAND SURVEYOR NO. 5005
 STATE OF FLORIDA
 L.B. 3591

JOB #	9698
SHT.NO.	1
OF 3 SHEETS	



MATCHLINE - SEE SHEET 3

BOUNDARY SURVEY

ALTA/NSPS LAND TITLE SURVEY
PORTIONS OF THE NE 1/4 OF SECTION 25,
TOWNSHIP 42 SOUTH, RANGE 42 EAST,
PALM BEACH COUNTY, FLORIDA

DATE 11/05/2021
DRAWN BY PL
F.B./ PG. 21-2
SCALE AS SHOWN

NOTE
COORDINATES SHOWN ARE GRID
DATUM = NAD 83 (90/98 ADJUSTMENT)
ZONE = FLORIDA EAST
LINEAR UNIT = US SURVEY FEET
COORDINATE SYSTEM 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.000038935
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM,
NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE.

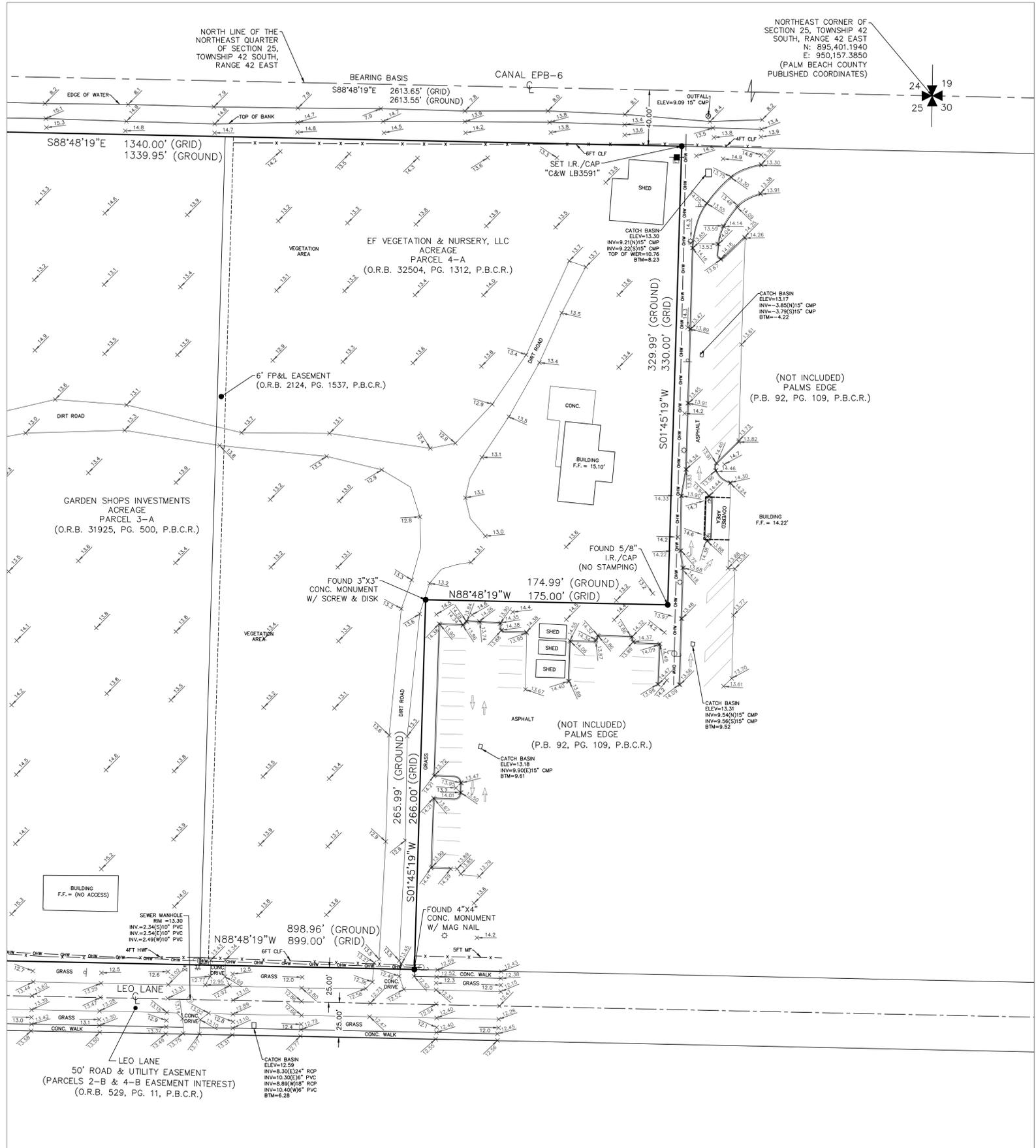
JOB # 9698
SHT. NO. 2
OF 3 SHEETS

CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561) 392-1991 / FAX (561) 750-1452



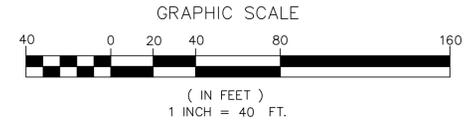
REVISIONS	DATE	BY

MATCHLINE - SEE SHEET 2



NORTHEAST CORNER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST (PALM BEACH COUNTY PUBLISHED COORDINATES)

N 895,401.1940 E 950,157.3850



REVISIONS	DATE	BY

CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561) 392-1991 / FAX (561) 750-1452



BOUNDARY SURVEY

ALTA/NSPS LAND TITLE SURVEY
 PORTIONS OF THE NE 1/4 OF SECTION 25,
 TOWNSHIP 42 SOUTH, RANGE 42 EAST,
 PALM BEACH COUNTY, FLORIDA

DATE 11/05/2021
 DRAWN BY PL
 F.B./ PG. 21-2
 SCALE AS SHOWN

NOTE

COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 (90/98 ADJUSTMENT)
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 SCALE FACTOR = 1.000038935
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,
 NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE.

JOB # 9698
 SHT.NO. 3
 OF 3 SHEETS



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Matthew H. Scott

Christina Bilenki
Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

**Subject: Soleste on the Trail
Variance Application
Planning Division Comment Responses**

RESPONSE DATE: May 25, 2022

Planning Division-Mary Savage-Dunham | MSavageDunham@rivierabeach.org

- Section 31-243 (5)f has dimensional requirements for property located west of Lake Worth. Do you interpret this as applying to your project? If so please revise your list of variance requests accordingly.
Response: The Property is located west of Lake Worth, therefore the building setbacks provided in Section 31-243(f) apply. The required and provided setbacks are provided below. The variance request will be revised to request variances for the front (west property line) and rear (east property line) setbacks for the proposed five story buildings:

Front (West Property Line) – Variance Required

- Minimum Required: 26' (20' plus 2' for each story above 2 stories: 20' + 6')
- Provided: 20'

Side (North Property Line) – No Variance Required

- Minimum Required: 13' (7' plus 2' for each story above 2 stories: 7' + 6')
- Provided: 20'

Side Street (South Property Line) – Variance Required

- Minimum Required: 18' 6" (12.6" plus 2' for each story above 2 stories: 12.6" + 6')
- Provided: 20'

Rear (East Property Line) – Variance Required

- Minimum Required: 20' (15% of the length of the lot or 20 feet, whichever is less)
- Provided: 15'



Development Services Department
City of Riviera Beach, Florida
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404

MEMO

To: Applicant
From: Mary F Savage-Dunham, AICP, CFM
Date: May 23, 2022
Re: VA-22-0001

Staff has reviewed the material submitted and offers the following comments and questions:

1. Section 31-243 (5)f has dimensional requirements for property located west of Lake Worth. Do you interpret this as applying to your project? If so please revise your list of variance requests accordingly.

Written responses to comments are required. Additional comments may be forthcoming.

"The Best Waterfront City in Which to Live, Work And Play."



Prepared by:
Peter R. Ray, Esquire
Cohen, Norris, Wolmer, Ray,
Telepman, Berkowitz & Cohen
712 U.S. Highway One, Suite 400
North Palm Beach, FL 33408

After recording, return to:
Steven M. Lee, Esquire
Steven M. Lee, P.A.
1000 Brickell Avenue, Suite 705
Miami, FL 33131

Parcel No. 56424225000001070
Parcel No. 56424225000001230
Parcel No. 56424225000001240
Parcel No. 56424225000001040
Parcel No. 56424225000001020
Parcel No. 56424225000001030
Parcel No. 56424225000001140

(Above Space for Recorder's Use Only)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 21 day of December, 2021, by **NEXT MILLENNIUM LLC**, a Florida limited liability company, **EF VEGETATION & NURSERY, LLC**, a Florida limited liability company, and **GARDEN SHOPS INVESTMENTS, LLC**, a Florida limited liability company (are collectively ("**Grantor**"), with and address of 114 Anchorage Drive South, North Palm Beach, FL 33408 in favor of **7920 RIVIERA BEACH HOLDINGS LLC**, a Delaware limited liability company, with an address at 6201 SW 70th Street, Suite 200, South Miami, FL 33143 ("**Grantee**").

GRANTOR, for and in consideration of the sum of \$10.00 and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, grants, bargains, sells and conveys to Grantee the land situate, lying and being in the County of Palm Beach, Florida, more particularly described on the attached Exhibit "A" ("**Property**"), specifically, **NEXT MILLENNIUM LLC** as to Parcel 1-A-D, 1-E, 2-A and 2-B; **GARDEN SHOPS INVESTMENTS, LLC** as to Parcels 3-A, 4-A, and 4-B; and **EF VEGETATION & NURSERY, LLC** as to Parcels 1-A-D, 1-E, 4-A and 4-B.

TOGETHER WITH (i) any and all structures and improvements on the Property; (ii) all right, title, and interest, if any, of Grantor in any land lying in the bed of any street or highway, opened or proposed, in front of or adjoining the Property; (iii) all easements, rights of way,

privileges, licenses, appurtenances and other rights and benefits belonging to, running with the owner of, or in any way related to the Property; and (iv) all development rights related to the Property.

TO HAVE AND TO HOLD, the same to Grantee in fee simple forever.

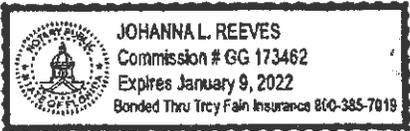
SUBJECT TO: real estate taxes for the year 2022 and subsequent years, zoning and other restrictions, regulations and prohibitions imposed by governmental authorities, and conditions, restrictions, limitations, reservations, declarations, easements, dedications and agreements of record, without intent to reimpose the same.

AND Grantor covenants with Grantee that: Grantor is lawfully seized of the Property in fee simple; Grantor has good right and lawful authority to sell and convey the Property; Grantor warrants the title to the Property and will defend the same against the lawful claims of others claiming by, through or under Grantor, and no others.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence this 21st day of December, 2021, by Roberto N. Forte, as Manager of EF VEGETATION & NURSERY, LLC, a Florida limited liability company, on behalf of such company. He is personally known to me or produced a driver's license as identification.



Johanna L. Reeves

Notary Public, State of Florida

My commission expires:

Signed, sealed and delivered
in the presence of:

Melissa Cedrone

Print Name: Melissa Cedrone

Johanna L. Reeves

Print Name: Johanna L. Reeves

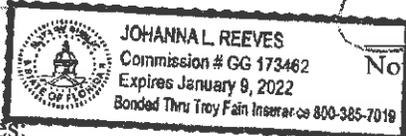
GARDEN SHOPS INVESTMENTS, LLC,
a Florida limited liability company

By: *Roberto N. Forte*

Roberto N. Forte, Manager

STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence this 21st day of December, 2021, by Roberto N. Forte, as Manager of GARDEN SHOPS INVESTMENTS, LLC, a Florida limited liability company, on behalf of such company. He is personally known to me or produced a driver's license as identification.



Johanna L. Reeves

Notary Public, State of Florida

My commission expires:

EXHIBIT "A" – LEGAL DESCRIPTION

PARCEL 1-A-D (FEE SIMPLE)

A) THE SOUTH 120 FEET OF THE NORTH 280 FEET OF THE EAST 266 FEET OF THE WEST 316 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THEREFROM THE SOUTH 12 FEET AS DESCRIBED IN OR BOOK 222 AT PAGE 137, AND ALSO LESS ROAD RIGHT OF WAY FOR STATE ROAD 809, AS CONVEYED BY DEED RECORDED IN OR BOOK 2651 AT PAGE 1902, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Property Tax Parcel ID#: 56-42-42-25-00-000-1230

B) THE EAST 276 FEET OF THE WEST 592 FEET OF THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

Property Tax Parcel ID#: 46-42-42-25-00-000-1040

C) THE SOUTH 120 FEET OF THE NORTH 516 FEET OF THE EAST 256 FEET OF THE WEST 316 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

Property Tax Parcel ID#: 56-42-42-25-00-000-1240

D) A PARCEL OF LAND LYING WITHIN THE NE 1/4 OF SECTION 25, TOWNSHIP 42, SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, MORE PARTICULARLY DESCRIBED AS THE SOUTH 120 FEET OF THE NORTH 160 FEET OF THE EAST 266 FEET OF THE WEST 316 FEET OF THE NE 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

Property Tax Parcel ID#: 56-42-42-25-00-000-1070

PARCEL 1-E (EASEMENT INTEREST)

TOGETHER WITH AN EASEMENT OVER THE SOUTH 12 FEET OF THE SOUTH 120 FEET OF THE NORTH 280 FEET OF THE EAST 266 OF WEST 316 FEET, ALL BEING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST.

PARCEL 2-A (FEE SIMPLE)

THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 138 FEET OF THE WEST 730 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

Property Tax Parcel ID#: 56-42-42-25-00-000-1020

PARCEL 2-B (EASEMENT INTEREST)

EASEMENT FOR ROAD AND UTILITY PURPOSES CONTAINED IN INSTRUMENT RECORDED JULY 14, 1960, UNDER O.R. BOOK 529, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTH 50 FEET OF THE NORTH 686 FEET OF THE NORTH HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF.

PARCEL 3-A (FEE SIMPLE) GARDEN SHOPS INVESTMENTS

THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 330 FEET OF THE WEST 1060 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

Property Tax Parcel ID#: 56-42-42-25-00-000-1030

PARCEL 4-A (FEE SIMPLE) EF VEGETATION & NURSERY

THE SOUTH 596 FEET OF THE NORTH 636 FEET OF THE EAST 330 FEET OF THE WEST 1390 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, EXCEPTING THEREFROM THE SOUTH 266 FEET OF THE EAST 175 FEET.

Property Tax Parcel ID#: 56-42-42-25-00-000-1140

PARCEL 4-B (EASEMENT INTEREST)

EASEMENT FOR ROAD AND UTILITY PURPOSES CONTAINED IN INSTRUMENT RECORDED JULY 14, 1960, UNDER O.R. BOOK 529, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTH 50 FEET OF THE NORTH 686 FEET OF THE NORTH HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Limited Liability Company
 7920 RIVIERA BEACH HOLDINGS, LLC

Filing Information

Document Number M21000014103
FEI/EIN Number NONE
Date Filed 10/22/2021
State DE
Status ACTIVE
Last Event LC AMENDMENT
Event Date Filed 11/01/2021
Event Effective Date NONE

Principal Address

6201 SW 70TH ST
 SOUTH MIAMI, FL 33143

Mailing Address

6201 SW 70TH ST
 SOUTH MIAMI, FL 33143

Registered Agent Name & Address

EDUARDO R. ROBAYNA, PLLC
 6201 SW 70TH ST
 SOUTH MIAMI, FL 33143

Authorized Person(s) Detail

Name & Address

Title MBR

 7920 RIVIERA BEACH PARTNERS, LLC
 6201 SW 70TH ST
 SOUTH MIAMI, FL 33143

Annual Reports

No Annual Reports Filed

Document Images

[11/01/2021 -- LC Amendment](#)

[View image in PDF format](#)

[10/28/2021 -- LC Amendment and Name Change](#)

[View image in PDF format](#)

[10/22/2021 -- Foreign Limited](#)

[View image in PDF format](#)



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Matthew Kwasman
Christina Bilenki

Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

7920 Rivera Beach Holdings, LLC Variance Justification Narrative

7920 Rivera Beach Holdings, LLC (“Applicant”) is the owner of 7 parcels generally located on the west side of North Military Trail, between Leo Lane and Investment Lane. The 7 parcels comprise a total of 15.77 gross acres and are addressed at 7982 North Military Trail (parcel number 56424225000001070); 7920 North Military Trail (parcel number 56424225000001230); 7880 North Military Trail (parcel number 56424225000001240); 7940 North Military Trail (parcel number 56424225000001040); 4411 Leo Lane (parcel number 56424225000001020); 4123 Leo Lane (parcel number 56424225000001030); and 4279 Leo Lane (parcel number 56424225000001140) in the City of Rivera Beach (“Property”). The Applicant is proposing to construct a new multi-family development consisting of 60 townhomes and 255 multi-family market rate units, totaling 315 dwelling units total (“Project”) on the Property. The 4 parcels addressed on North Military Trail contain a zoning designation of CG (General Commercial) and a future land use designation of Commercial. The 3 parcels addressed on Leo Lane contain a zoning designation of RML-12 (Low Density Multiple Family) and a future land use designation of MF-15 (Medium Density Multiple Family Residential). Given the lack of (new) housing in the City of Riviera Beach, the Applicant believes that the proposed Project can meet many needs of the area, including activating currently underutilized land, energizing the area with new development, and providing needed, quality housing in the City.

Requests

In order to develop the Project, the Applicant is requesting the following applications: 1.) a land use plan amendment to change the future land use designations on the Property from Commercial and MF-15 to MF-20 (High Density Multiple-Family Residential); 2.) a rezoning to change the zoning designation from CG and RML-12 to RM-20; and 3.) a major site plan review; and 4.) variance requests regarding the required building setbacks for the multi-family and townhome buildings.

Per the City’s Future Land Use Element of the Comprehensive Plan and Section 31-243(1)(b) of the City Code regarding allowable the density in the MF-20 land use category and RM-20 zoning designation, the “maximum permitted density shall be 20 residential dwelling units per acre including the density bonus referred to in subsection (2) of this section. If the density bonus provision is not applied for, the maximum permitted density shall be 17 units per acre.”

Accordingly, the Applicant is requesting application of the bonus density established in Chapter 26 of the City Code to allow a density of 20 dwelling units per acre for the Project. As such, the Applicant will participate in the Minority Employment Participation Plan accordance with this section of the Code.

Variations Requested

The Project consists of 3 multi-family buildings containing 255 dwelling units and 60 townhome units developed in 10 building clusters. For the purposes of this request, a graphic has been created to provide labels for each building (see attached Exhibit A). The multi-family buildings are labeled as MF-1 through MF-3 and the townhome cluster buildings are labeled as TH-1 through TH-10. The variance requests for each building will be identified throughout this narrative using these labels. The specific variance requests are provided below.

Multi-family Building 1 (MF-1)

The Applicant is requesting the 2 variances: (1) from Section 31-243(5)(a)(1) of the City of Riviera Beach Land Development Code (“Code”) which requires a minimum front yard setback of 100’ for main structures more than two stories in height and; (2) from Section 31-243(5)(b)(1) which requires a minimum side yard setback of 10% of the lot or 20 feet, whichever is greater. Additionally, Section 31-243(5)(e) requires all buildings in excess of two stories to provide two feet additional setback from each property for each additional story of height. Based upon these Code sections, MF-1 is required to provide a front yard setback of 106’ and a side yard setback of 62’. However, the Applicant is instead providing a front yard setback of 20’ and a side yard setback of 20’ for each story above the second story. The specific calculations showing the required and provided setbacks for each request is provided below.

- Front Yard Setback (east property line)
 - Required = 100’ plus 2’ for each story above 2 stories
 - 5 stories = 6’ additional (variance only for the 3-5 floors)
 - Setback Required = 106’
 - Provided = 20’
 - Variance Request = 86’

- Side Yard Setback (north property line)
 - Required = 10% of the lot plus 2’ for each story above 2 stories
 - 10% of lot = 56’
 - 5 stories = 6’ additional (variance only for the 2-5 floors)
 - Setback Required = 62’
 - Provided = 20’
 - Variance Request = 42’

Multi-family Building 3 (MF-3)

The Applicant is requesting the variance from Section 31-243(5)(b)(1) which requires a minimum side yard setback of 10% of the lot or 20 feet, whichever is greater. Additionally, Section 31-243(5)(e) requires all buildings in excess of two stories to provide two feet additional setback from each property for each additional story of height. Based upon these Code sections MF-3 is required to provide a side yard setback of 62’. However, the Applicant is instead providing a side yard setback of 20’ for each story above the second story along the south property line. The specific calculations showing the required and provided setbacks are provided below.

- Side Yard Setback (south property line)
 - Required = 10% of the lot plus 2' for each story above 2 stories
 - 10% of lot = 56'
 - 5 stories = 6' additional (variance only for the 2-5 floors)
 - Setback Required = 62'
 - Provided = 20'
 - Variance Request = 42'

Townhome Building 4 (TH-4)

The Applicant is requesting the variance from Section 31-243(5)(b)(1) which requires a minimum side yard setback of 10% of the lot or 20 feet, whichever is greater. Based upon this Code section TH-4 is required a side yard setback of 56' on the north property line. However, the Applicant is instead providing a side yard setback on the north property line of 20'. The specific calculations showing the required and provided setbacks are provided below.

Townhome Building 4 (TH 4)

- Side Yard Setback (north property line)
 - Required = 10% of the lot
 - 10% of lot = 56'
 - Setback Required = 56'
 - Provided = 20'
 - Variance Request = 36'

Townhome Building 5 (TH-5)

The Applicant is requesting the variance from Section 31-243(5)(b)(1) which requires a minimum side yard setback of 10% of the lot or 20 feet, whichever is greater. Based upon this Code section, TH-5 is required to provide a side yard setback of 56' on the south property line. However, the Applicant is instead providing a 52' on the south property line. The specific calculations showing the required and provided setbacks are provided below.

- Side Yard Setback (south property line)
 - Required = 10% of the lot
 - 10% of lot = 56'
 - Setback Required = 56'
 - Provided = 52'
 - Variance Request = 4'

Townhome Building 8 (TH-8)

The Applicant is requesting the variance from Section 31-243(5)(b)(1) which requires a minimum side yard setback of 10% of the lot or 20 feet, whichever is greater. Based upon this Code section, TH- 8 is required to provide a side yard setback of 56' on the south property line. However, the Applicant is instead providing a 36.75" on the south property line. The specific calculations showing the required and provided setbacks are provided below.

- Side Yard Setback (south property line)
 - Required = 10% of the lot
 - 10% of lot = 56'
 - Setback Required = 56'
 - Provided = 36.75"
 - Variance Request = 19.25"

Townhome Building 9 (TH-9)

The Applicant is requesting the variance from Section 31-243(5)(b)(1) which requires a minimum side yard setback of 10% of the lot or 20 feet, whichever is greater. Based upon this Code section, TH-9 is required to provide a side yard setback of 56' on the south property line. However, the Applicant is instead providing a 36.75" setback on the south property line. The specific calculations showing the required and provided setbacks are provided below.

- Side Yard Setback (south property line)
 - Required = 10% of the lot
 - 10% of lot = 56'
 - Setback Required = 56'
 - Provided = 36.75"
 - Variance Request = 19.25"

Townhome Building 10 (TH-10)

The Applicant is requesting the variance from Section 31-243(5)(b)(1) which requires a minimum side yard setback of 10% of the lot or 20 feet, whichever is greater. Based upon this section of the Code, TH-10 is required to provide a side yard setback of 56' on the south property line. However, the Applicant is instead providing a 36.75" setback on the south property line. Specific calculations showing the required and provided setbacks are provided below.

- Side Yard Setback (south property line)
 - Required = 10% of the lot
 - 10% of lot = 56'
 - Setback Required = 56'
 - Provided = 36.75"
 - Variance Request = 19.25"

Variance Justification

Per Section 31-42(b)(1) of the City Code, the Applicant must demonstrate the following criteria for a variance approval:

- a) Existence of special conditions or circumstances. That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.**

There are special conditions and circumstances that are peculiar to the property. The Project is an infill development project that includes an assemblage of seven (7) smaller parcels to create one parcel large enough for the development of the Project. The Applicant has assembled the available parcels while working within the restraints of the existing land, surrounding development and property owners. As such, the Property is trapezoidal in shape with frontage along Military Trail only available in the northeast corner of the Property and at the entrance location rather than through the entirety of the east property line. Similarly, the west property line does not follow a straight line, dipping in towards the west due to the existing adjacent assisted living facility.

Additionally, the Applicant must provide a large wet retention area to meet the drainage requirements for the Project. This 1.94-acre lake has been placed in the center of the Property to allow for the provision of a recreational amenity and to allow for pedestrian connectivity and traffic circulation throughout the development. The combination of the odd shape and the loss of almost 2 acres of property for drainage area hinders the Applicant's ability to meet the setback requirements along the north, south and east property lines while still providing the amount of parking spaces required by Code and the amenities and open space areas demanded by today's buyers for multi-family developments.

- b) Conditions not created by applicant. That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.**

The special conditions of the Property necessitating the variance requests are not a result of any actions taken by the Applicant. As previously stated, the Applicant is creating an infill development project, working within the restraints of the surrounding existing development and availability of land. The Applicant did not cause the odd shape of the Property. Furthermore, the 1.94 acres of land utilized for wet retention area is a requirement by Code to provide necessary drainage to the Property. The Applicant is providing the drainage area to meet these requirements.

- c) Special privileges not conferred. That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.**

Granting the variance requests will not confer any special privilege on the Applicant that is denied to other lands, buildings or structures. The Applicant is requesting the variances to facilitate the development of a luxury multi-family community on the Property that provides the recreational facilities and amenities demanded by today's buyers. Further,

granting the requested variances will allow for the provision of new housing stock in the area which will be able to address the local housing shortage.

- d) Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.**

Literal enforcement of the City Code would cause an unnecessary and undue hardship on the Applicant as it would deprive the Applicant of the ability to develop the Property with a luxury multi-family development that is desired by today's buyers. Developing a project within the constraints of the Code requirements would result in a project that could not provide the type of development and amenities that buyers in today's market desire. The Code requires a 106' building setback along Military Trail. This would require a design that places the parking lot along the front of the Property with the buildings in the back. This is contrary to modern planning principles and building designs calling for more walkable, pedestrian oriented developments with buildings fronting the street rather than parking lots. If constructed in accordance with the Code, the design would be antiquated, create a canyon effect, and not encourage pedestrian connectivity along the corridor.

Furthermore, the Code requires a side yard setback (south and north property lines) of 52' for the townhome units and 62' for the multi-family buildings. The south property line fronts Leo Lane, as such strict enforcement of the Code would result in parking spaces fronting Leo Lane rather than buildings. Such a design would be uninviting, and not consistent with current design practices.

Additionally, the Applicant must demonstrate compliance with the following criteria provided in Section 31-42(b)(2):

- a) Minimum variance only to be granted. That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.**

The variances requested are the minimum variances needed to facilitate the development of a multi-family residential Project on the Property. As stated above, the odd shape of the lot and the 1.94-acre lake for drainage purposes limit the Applicant's ability to move the buildings further into the Property to meet the setback requirements.

- b) Variances to lot minimum requirements. Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an affidavit with the application for**

variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.

The Property is not adjacent to any vacant lands. The Project has assembled the vacant land in the area.

- c) Not injurious to public welfare or intent of ordinance. The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance requests are not injurious to the public welfare. The variance requests are for the building setbacks along the east, south and north property lines. There are no adjacent residential uses along these property lines that could be negatively impacted by the Project. The east property line (front yard) is fronting Military Trail. Approval to place the building closer to the front property line rather than be setback 106' to meet Code requirements will be beneficial to the public welfare by providing a community that is pedestrian oriented and is desired by residents. The north property line abuts a canal with right-of-way area and the south property line is fronting Leo Lane. As such, the variance requests to place the buildings closer to these property lines will not negatively impact any surrounding neighbors.

Furthermore, granting the variances will facilitate the development of a multi-family residential project on the Property that is in harmony with the general intent of the Land Development Code and the Comprehensive Plan. Section 31-241 of the land development code states, "[t]he RM-20 high density multifamily dwelling district is intended to provide for development of multifamily dwellings and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and promotes a high quality environment through aesthetically oriented property development standards." Granting the variance requests will allow the Applicant to provide a high density residential development with increased amenities.

Additionally, the variance request is in harmony with Policy 1.8.1 of the City's Comprehensive Plan, which provides the following definition of the High Density Multiple Family Residential (up to 20 units an acre) land use category, "[t]his is the highest density category, available when the Minority Employment and Affordable Housing Opportunity Plan (MEAHOP) bonus provision is used; otherwise, 17 units per acre without the MEAHOP provision. It will be implemented by the RM-20 and RMH-20 districts; within the CRA, this category will be implemented through the exclusive use of the Downtown Zoning Districts." The Project will include the implementation of the MEAHOP bonus density program to provide a high density residential project that is in compliance with the City's Comprehensive Plan.

- d) Conditions and safeguards may be imposed. In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.**

The Applicant acknowledges that the special magistrate may impose conditions of approval on the variance requests.

MAXIMUM NORTH/SOUTH WIDTH FOR MAIN STRUCTURES	110'-0"
PARKING DATA	
PARKING BREAKDOWN	REQUIRED
TOWNHOME UNITS (2 PER UNIT X 60 UNITS)	120
MULTIFAMILY	
ONE BEDROOM UNITS (2 PER UNIT X 111 UNITS)	222
TWO BEDROOM UNITS (2 PER UNIT X 144 UNITS)	288
TOTAL	630
	PROVIDED
TOWNHOUSE PARKING (INCLUDING GARAGE SPACES)	160
PARKING UNDER BUILDINGS	174
SURFACE PARKING	317
TOTAL	651
HANDICAPPED (2% OF TOTAL)	(13)

ZONING DATA		
	REQUIRED/ PERMITTED	PROVIDED
MAXIMUM DENSITY	20 DUA	15,77
MAXIMUM BUILDING HEIGHT	20 STORIES	5 STORIES
	200'-0"	64'-6"
MINIMUM SETBACKS		
FRONT - MORE THAN 2 STORIES	100'-0"	20'-0"
SIDE - 10% OF THE LOT OR 20', WHICHEVER IS GREATER	56'-0"	20'-0"
REAR - 15% OF THE LOT OR 20', WHICHEVER IS LESS	20'-0"	20'-0"
	2 PER STORY ABOVE 2ND STORY	0'-0"
HIGHRISE SETBACK		
FLOOR AREA RATIO	1,31	
MAXIMUM LOT COVERAGE	70%	61,07%

SITE DATA CONTINUED		
AREA BREAKDOWN	SQFT	%
IMPERVIOUS AREAS		
MULTI-FAMILY BUILDING FOOTPRINTS	84,474,13	12,82
TOWNHOME BUILDING FOOTPRINTS	47,318,15	7,18
PAVED AREAS	209,788,65	31,83
PEDESTRIAN WALKS	49,342,21	7,49
CLUBHOUSE	4,480,00	0,07
POOL & POOL DECK	6,271,12	0,95
GAZEBOS	740,00	0,11
DUMPSTER	150,00	0,02
TOTAL	402,564,28	61,07
PERVIOUS AREAS		
DOG PARK	2,493,31	0,38
TOT LOT	3,069,84	0,47
GREEN AREAS	251,034,64	38,08
TOTAL	256,597,79	38,93
GRAND TOTAL	659,162,05	100,00

SITE DATA		
	SQFT	ACRES
AREA GROSS	686,941,20	15,77
20' CANAL EASEMENT	26,564,81	0,57
MILITARY TRAIL	1,214,34	0,03
NET AREA	659,162,05	15,13
LAKE AREA (TO TOP OF BACK)	84,474,13	1,94
NET DRY AREA	574,687,92	13,19
TOWNHOMES (TWO & THREE BEDROOM)		60
MULTIFAMILY UNITS TOTAL		255
ONE BEDROOM UNITS	111	
TWO BEDROOM UNITS	144	
TOTAL UNITS		315
		DUA
GROSS DENSITY		19,97

**PASCUAL
PEREZ
KILIDDJIAN
STARR**

**& ASSOCIATES
ARCHITECTS - PLANNERS**
LICENSE # AA 36070387

EDUARDO PEREZ, AIA
LICENSE No.: AA 003039
MARIO P. PASCUAL, AIA
LICENSE No.: AA 003034
PETER KILIDDJIAN, AIA
LICENSE No.: AA 003020

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http://www.pascual.com

OWNER:
ESTATE COMPANIES

MULTI-FAMILY
CITY OF RIVIERA BEACH, FLORIDA



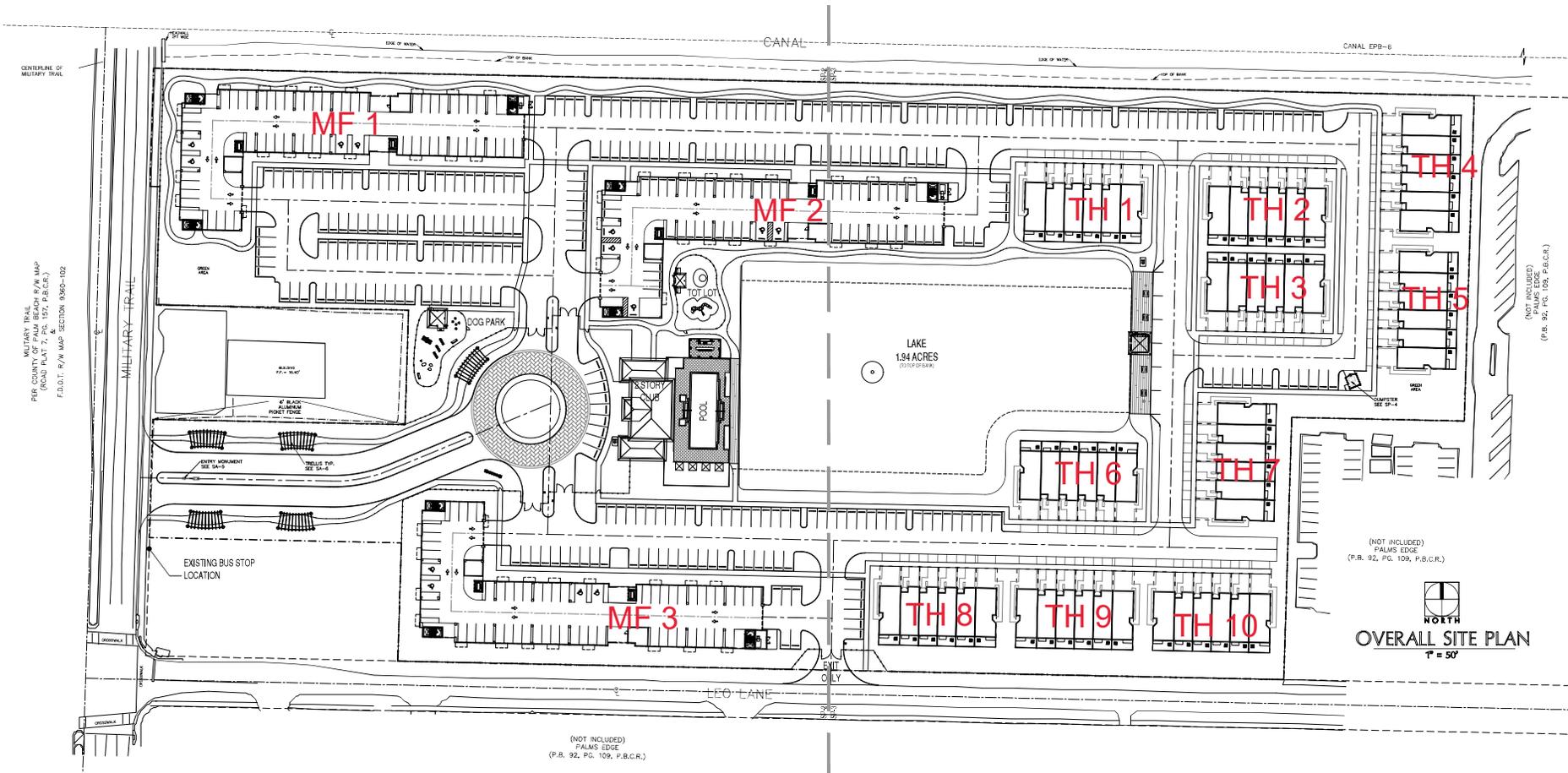
SITE PLAN

SITE PLAN

DATE: 2023-07-30
SCALE: AS SHOWN
DRAWN: JI
CHECKED: PK
JOB NO.:

SP-1

SHEET NO.:



(NOT INCLUDED)
PALMS EDGE
(P.B. 92, PG. 109, P.B.C.R.)

(NOT INCLUDED)
PALMS EDGE
(P.B. 92, PG. 109, P.B.C.R.)

(NOT INCLUDED)
PALMS EDGE
(P.B. 92, PG. 109, P.B.C.R.)

MILITARY TRAIL (P.B. 92, PG. 109, P.B.C.R.)
P.B. COUNTY MAP (P.B. 92, PG. 109, P.B.C.R.)
RECORD PLAT 7, P.B. 1577, P.B.C.R.)
F.D.O.T. R/W MAP SECTION 9360-102

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For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date: _____ Case Number: _____
	Project Title: _____
	Fee Paid: _____ Notices Mailed: _____
	1st Hearing: _____ 2nd Hearing: _____
	Publication Dates (if required) _____

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)
Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s): 7920 Rivera Beach Holdings, LLC
	Mailing Address: 6201 SW 70th St. South Miami, FL 33143
	Property Address: 7880, 7920, 7940, & 7982 N. Military Trail; 4123, 4279 & 4411 Leo Lane
	Name of Applicant (if other than owner): _____
	Home: () Work: () Fax: ()
	E-mail Address: rsuris@eigfl.com

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation: <small>Commercial/MF-15</small> Current Zoning Classification: CG/RML-12
	Square footage of site: 686,941 Property Control Number (PCN): See attached parcel ID list
	Type and gross area of any existing non residential uses on site: +/- 1,906 sq. ft. plant nursery related structures
	Gross area of any proposed structure: 422,370 sq. ft.
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [x] No
	If yes, please describe: N/A
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [x] No
	If yes, indicate date, nature and applicant's name: N/A
	Briefly describe use of adjoining property: North: Mobile Home Park
	South: Multi-family Residential
East: Assisted Living Facility	
West: Multi-family Residential	

REZONE	Requested Zoning Classification: _____
	Is the requested zoning classification contiguous with existing? _____
	Is a Special Exception necessary for your intended use? [] Yes [] No
	Is a Variance necessary for your intended use? [] Yes [] No

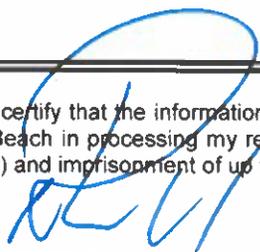
FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
Size of Property Requesting Land Use Change:		

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

VARIANCE	Describe the Variance sought: See attached narrative
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site: See attached narrative
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space: see attached narrative
	Other:

SITE PLAN	Describe proposed development:
	Demonstrate that proposed use is appropriate to site:
	Demonstrate how drainage and paving requirement will be met:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled: On-site: Off-site:

OTHER	<p><u>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</u></p> <ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.
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Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 <hr/> Signature	3/20/22 <hr/> Date

AGENT AUTHORIZATION FORM

Owner(s) of Record: 7920 Rivera Beach Holdings, LLC

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared Robert Suis

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

25-42-42, S 120 FT OF N 160 FTOF WLY 316.20 FT (LESS W 50 FT MILITARY TR R/W)

25-42-42, S 120 FT OF N 280 FTOF E 256 FT OF W 316 FT OF N 1/2 OF NE 1/4; 25-42-42, S 596 FT OF N 636 FT OF E 330 FT OF W 1060 FT OF N 1/2 OF NE 1/4

25-42-42, S 120 FT OF N 516 FTOF E 256 FT OF W 316 FT OF N 1/2 OF NE 1/4, 25-42-42, S 596 FT OF N 636 FTOF E 330 FT OF W 1390 FT OF N 1/2 OF NE 1/4 (LESS S 266 FTOF E 175 FT)

25-42-42, E 276 FT OF W 592 FTOF S 596 FT OF N 636 FT OF N 1/2 OF NE 1/4 & 25-42-42, E 138 FT OF W 730 FT OF S 596 FT OF N 636 FT OF N 1/2 OF NE 1/4

the street address of which is: 4411, 4123, & 4279 Leo Lane; 7940, 7880, 7920 & 7982 N. Military Trail
and that we hereby appoint:

Name: Hope Calhoun/Dunay, Miskel & Backman, LLP

Address: 14 SE 4th St. Suite 36
Boca Raton, FL 33432

Telephone: 561-405-3324

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.

[Handwritten signature]

(Seal)

(Seal)

(Seal)

Sworn to and subscribed before me this 29 day of March, 2022

Jessica Watler
Notary Public *[Signature]*

