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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.

Variances 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 theses 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.

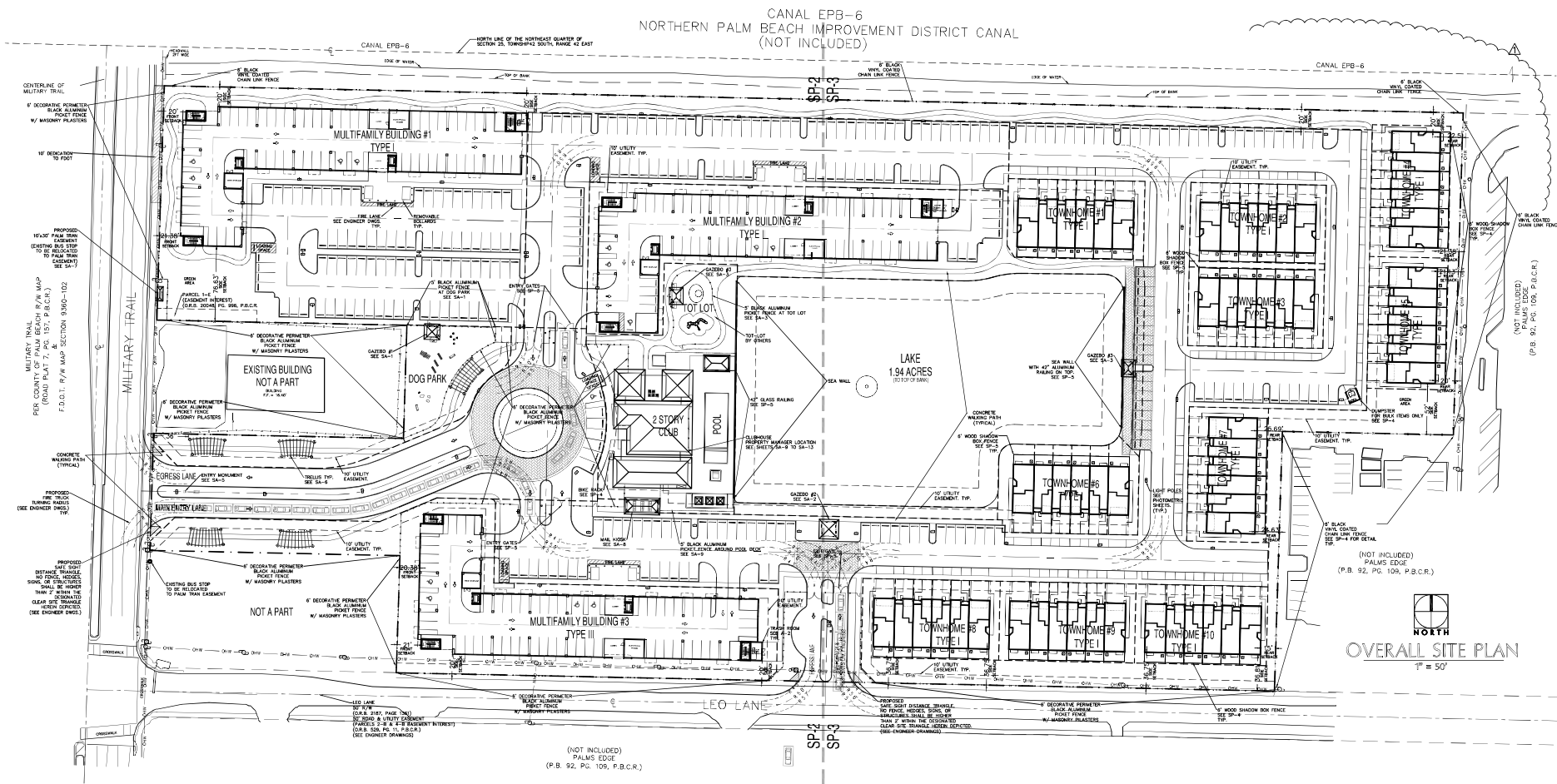
| PARKING DATA | | |
|--|----------|----------|
| PARKING BREAKDOWN | | REQUIRED |
| TOWNHOME UNITS (2 PER UNIT X 60 UNITS) | | 120 |
| MULTIFAMILY | | |
| ONE BEDROOM UNITS (2 PER UNIT X 111 UNITS) | | 222 |
| TWO BEDROOM UNITS (2 PER UNIT X 144 UNITS) | | 288 |
| TOTAL | | 630 |
| | PROVIDED | |
| 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 | 2.2 % |

| EXISTING ZONING - RM-20 | | |
|--|------------------------------|---------------------|
| FUTURE LAND USE - HIGH DENSITY RESIDENTIAL | | |
| | REQUIRED/PERMITTED | PROVIDED |
| MAXIMUM DENSITY | 20 DUA | 15.77 |
| MAXIMUM BUILDING HEIGHT | 20 STORIES 200'-0" | 5 STORIES 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 | | SOFT | % |
|----------------------------------|--|------------|--------|
| AREA BREAKDOWN | | | |
| 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 | | 428.00 | 0.07 |
| POOL & POOL DECK | | 6,735.00 | 1.02 |
| GAZEBO | | 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 |

| 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 | | | 659,162.06 | 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 |

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.



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STARR

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REVISIONS:

1 2022-04-04 BD COMMENTS

OWNER:
ESTATE COMPANIES

MULTI-FAMILY
CITY OF RIVIERA BEACH, FLORIDA

SEAL:



Digitally signed by Edgardo Perez
DN:
C=US, email=edperez@pcworld.com,
ou=Edgardo Perez,
o=Passos, Perez,
Anderson, Stern &
Associates, L.P., cn=Edgardo Perez,
c=US
Date: 2022.05.04
17:21:55 -0400

SITE PLAN

SITE PLAN

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

SP-1

SHEET NO. :