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July 15, 2022

Zoning Board of Appeals
City of Pompano Beach
100 West Atlantic Boulevard, Dept. 1510
Pompano Beach, Florida 33060

Via Electronic Mail: scott.reale@copbfl.com

RE: Variance for 1210 NW 6 AVE (Folio 484235640010)

Dear members of the Zoning Board of Appeals,

PlanW3st is representing The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami and St. Joseph Manor II, LLLP in pursuit of a Variance for the above-referenced property. The property is located west of North Dixie Highway and east of NW 6th Avenue, between NW 11th Street and NW 12th Court (refer to **Exhibit "A"** included with this narrative). The property is concurrently seeking Major Site Plan approval for the construction of Phase II, which will include a new 5-story low-income senior housing apartment with 150 units. The project was reviewed at the July 6th DRC meeting, where code review confirmed that the proposed building does not meet the maximum building footprint area or maximum building length as required by code sections 155.5601.C.2.a and 155.5601.C.2.b.

155.5601. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

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C. Multifamily Residential Design Standards

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2. Maximum Building Size

- a. Individual structure footprints shall not exceed a maximum of 20,000 square feet.
- b. The maximum length of any multifamily residential structure shall be 180 linear feet, regardless of the number of units.

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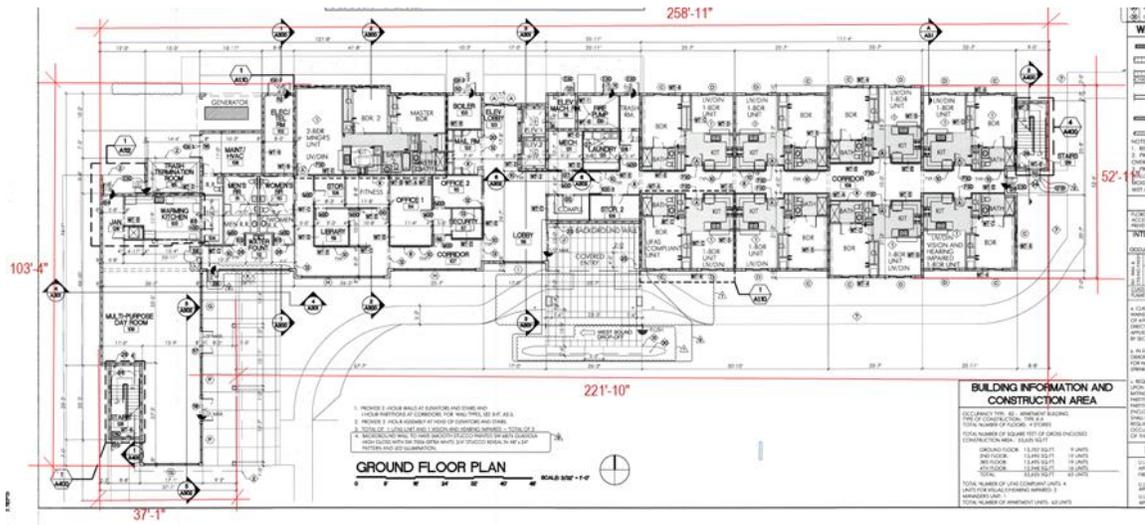
We understand that a Variance shall only be approved on a finding that the request as proposed meets the following standards and we believe we meet them all:

- a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;

The uniqueness of this project is more due to the design than the site, as the code requirement is limiting on building length and building area. This property has been slated for a 2-phase development since the Rezoning and Land Use Plan Amendments were approved in 2012. The property currently houses Phase I, which was permitted in 2013

and includes 63 senior housing units. The Phase II project is proposed to add another 150 senior housing units (age 62+) to the development in an L-shaped building design. Building design code requirements, including the maximum building size and maximum building length, are what has driven the L-shaped building's design. In order to fit the entire building on the south east portion of the site, provide all 150 units, meet setbacks, keep from exceed building height, and allow all units to access centrally-located common areas within a reasonable distance for seniors, the L-shape was the best design for the building. Each side of the building's L-shape exceeds the 180-foot maximum building length—longitudinally, the building measures 257 feet-1 inch (a 77 foot-1-inch deviation, or 43%) and vertically it measures 232 feet-9 inches (a 52 foot- 9-inch deviation, or 30%). Additionally, the building measures 25,045 sq. ft. in footprint area, which exceeds the 20,000 square foot limitation by 5,045 sq. ft (a 26% deviation).

A quick airline measurement of the Phase I building shows it was built over 250 feet in length, proving the development was planned prior to the implementation of the building limitations in the code today (see below Phase I floor plan, confirming a 258-foot, 11-inch measurement).



The proposed location of the new building is also a challenge due to the flood zones of the property. While the majority of the site sits on AH 11 (base flood elevation requirement of 11), to properly fit the building on the site and take advantage of existing grades, the building will need to be located on the southeast corner of the property, within AH 12 (base flood elevation requirement of 12). These further drive not only the building layout, but also the site design.



Lastly, it should be noted that the project was originally treated similar to an accessory use for the place of worship and not as a typical multi-family development. Due to the nature of the senior housing project and the reduced parking demand, a variance was sought for Phase I, and granted in May 2012. The variance allows the development to

provide a minimum of 0.5 parking spaces per unit, as well as a minimum unit size of 525 sq. ft. As a condition of approval for that variance, a restrictive covenant was required to be recorded limiting the project to senior housing. This covenant, which also limits the project density and height, and was recorded in 2013, has been included in the submittal package. The granting of the variance as well as the requirement of the restrictive covenant infers the use was treated as a lesser intense use than a typical multi-family development

- b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

As previously mentioned, the property has been slated for Phase I and Phase II since 2012, prior to the adoption of the current code limitations for building area and building length. Those requirements were initially adopted on 9/11/2012 via Ordinance 2012-64, and became effective January 2013, after the Land Use Plan Amendment and Rezoning for the property were already in process (March and May of 2013, respectively). The entire site is permitted to build 251 units per its designated Dashed Line density, of which only 63 have been built today. With the additional 150 units, only 213 will have been built, which is still 38 units less than what is allowed by land use density now. The flood zones in place today were amended by FEMA and became effective in 2014, requiring a higher elevation for the building than the previous base flood elevation of 8.

- c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;

Since the property went through both a Rezoning and Land Use Plan Amendment for the overall development, it can be assumed that the development has been planned for this use specifically from at least 2012. Since these approvals are vested with the development of Phase I, a new or different use would not be consistent with the approved underlying land use, density, or zoning for the property. Any multi-family residential development (which does meet the underlying land use, density, and zoning--whether affordable or not), would be presented with the same challenge of building length and building area maximums. Building a shorter, smaller sized building would mean restricting the density of the property. Doing so, when the development proposed is already 38 units less than what is rightfully allowed, would unreasonably restrict the use of the land and thus result in an unnecessary and undue hardship for a development that is necessary. Additionally, a smaller sized building with the same number of units would need to exceed the height maximums allowed by code, thus needing a variance on its own.

With the necessity to build truly affordable housing for seniors, there is a possibility of a 3rd phase to be built along the south west corner of the site. The current increases in cost of living further pushes the need for low-income senior housing. Just to show the need—the current development has 100% occupancy. The waitlist for St. Joseph Manor is currently at 106. Overall, Catholic Housing Management (the operator) has a waitlist at 4,711 people (this includes St. Joseph Manor). St. Elizabeth Gardens, another senior affordable housing development located at 801 NE 33 Street (built in 1968) has 155 units. This development currently has 406 people on waitlist.

- d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated

Allowing the building length and footprint area proposed would not confer a special privilege on the property. The closest multifamily development is directly north of this property and has been in existence since 2005, prior to the building length and area limitations being implemented. The remaining developments in the area are single-family and institutional. One building directly to the east of this property measures over 190 feet and is in a “C” configuration to fit within the property it is located. Allowing this development to maintain the original use, density, and layout is no different than allowing a planned development to meet previously established and vested design or development standards under an approved master plan.



- e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

As previously mentioned, this Phase II is proposed to add another 150 units to the development that currently only includes 63 units. With the proposed 150 units, only 213 units will have been built when this Phase II is constructed--which is still 38 units less than what is allowed by the land use density today (251). In order to fit the 150 units, meet setbacks, building height, and take advantage of as much of the existing grade, the building must exceed the 180-foot building length and 20,000 sq. ft. building footprint limitations.

- f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

The variance request is in harmony with the purpose and intent of the code as defined in section 155.1103 [General Purpose and Intent]. As the general purpose of the code is to promote the public health, safety, and general welfare, as well as implement the goals, objectives, and policies of the City of Pompano Beach Comprehensive Plan, the variance will assist in implementing with the following:

- A. Preserve and enhance present advantages and overcome present handicaps that exist in the city
- B. Encourage the most appropriate use of land, water, and resources;
- C. Deal effectively with future problems that may result from the use and development of land;
- E. Conserve, develop, utilize, and protect natural and historic resources;
- F. Maintain and protect the character and stability of the community and its established neighborhoods
- J. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of land development that recognize and respect the rights of landowners and consider the interests of the city's citizens.

Additionally, the variance request is in harmony with the general purposes of residential base zoning districts as defined in section 155.3201 [General Purposes of Residential Base Zoning Districts], which are established and intend to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. The variance request emphasizes the following purposes:

- A. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city.
 - C. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
 - D. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
 - E. Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;
 - G. Create neighborhoods and preserve existing community character while accommodating new infill development and redevelopment consistent with the city's goals and objectives; and
 - H. Preserve the unique character and historic resources of the traditional neighborhoods and the community
- g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare;

The building design in an L-shaped configuration improves the safety, functionality, and circulation of the building, which will be used by seniors of average age 70+ that need to conveniently access centrally-located common areas, such as the main entry and porte cochere, lobby, community room, computer and fitness rooms, central elevators, and outside patio area. This approval does not adversely affect the health or safety or anyone residing in or near the neighborhood. These code limitations were put in place to maintain

scale, reduce massing, and keep a certain level of aesthetics for multi-family buildings; the code limitations were not put in place for primarily life safety reasons.



h. The Variance is consistent with the comprehensive plan.

As detailed in f. above, the variance promotes several goals and policies of the comprehensive plan. Additionally, the request is consistent with the following:

Objective 01.03.00 Inconsistent Land Uses, Policy 01.03.05: All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

Objective 01.05.00 – Flood Protection, Policy 01.05.01: Continue to require all substantial improvement, new development and redevelopment to be consistent with the minimum finished floor elevations as specified in the Federal Emergency Management Agency Flood Insurance requirements, the South Florida Building Code, Chapter 152 of the City's Code of Ordinances and future maps being prepared to determine appropriate finished

floor elevations and crown of road elevations based on adopted sea level rise projections.

Objective 01.07.00 – New Land Use Regulations, Policy 01.07.18: Continue to implement the incentives for providing affordable housing per the policies in the Broward County Land Use Plan and/or in the City’s land development regulations including the use of density bonuses, flex and redevelopment units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.

Objective 03.01.00 – Housing to Accommodate Future Population, Policy 03.01.03: In order to provide affordable housing, the City shall consider and, where appropriate, support revisions to land development regulations to recognize and locally implement technical innovations in housing construction and site development.

Thank you for your consideration. We respectfully request the variance is granted as justified above.

Please do not hesitate to contact me with any questions.



Paola A. West, AICP, ISA-CA
Senior Land Planner

Exhibit "A"



Parcel Id: [484235640010](#)

Owner: ARCHDIOCESE OF MIAMI ST JOSEPH
HAITIAN CHURCH

Situs 1210 NW 6 AVE POMPANO BEACH FL
Address: 33060