



Staff Report

File #: LN-345

Zoning Board of Appeals
Meeting Date: September 15, 2022

VARIANCE - PREMIUM 2600 PALM AIRE LLC

Request:	Variance
P&Z#	22-11000015
Owner:	Premium 2600 Palm Aire LLC
Project Location:	2606 N Palm Aire Drive
Folio Number:	4942 04 00 0145
Land Use Designation:	LM- LOW-MEDIUM 5-10 DU/AC
Zoning District:	Multiple Family Residence 45 (RM-45)
Agent:	Premium 2600 Palm Aire LLC
Project Planner:	Scott Reale

Summary:

Applicant Landowner is requesting a Variance from Section 155.5203(D)(5)(a) [Vehicular Use Area Landscaping] of the Pompano Beach Zoning Code, in order to omit the required 24 ft wide landscaped area between the vehicular use area and a building.

The property is located along N Palm Aire Drive and west of S Powerline Road.

ZONING REGULATIONS

§155.5203. LANDSCAPING

...
D. Vehicular Use Area Landscaping

...
5. Landscaping Between Vehicular Use Areas and Buildings
A landscaped area shall be provided between a vehicular use area and an abutting building in accordance with the following standards. No landscaped area is required along those parts of an abutting building facade containing building entrances, driveways into garages or carports, or loading docks.

a. The minimum width of the landscaped area shall be a minimum of eight feet for each 15 feet of height of the abutting building facade. For structures taller than 15 feet, the landscaped area shall be a minimum of one additional foot for every two feet (or major fraction thereof) of height, up to a maximum of 24 feet of landscaped area.

PROPERTY INFORMATION

1. The subject property has no open code cases.
2. The subject property was previously one of the recreational parcels in the Palm Aire development with tennis courts and a maintenance building for the golf course. On 3/13/2018, the City Commission approved 99 flex units via Reso 2018-104.
3. The associated Major Site Plan application, PZ #21-12000033, was presented to the Development Review Committee (DRC) on 1/19/2022 and again on 5/16/2022, in order to redevelop the site with a 99-unit, six-story apartment building, along with associated landscaping, parking, and amenities. During DRC, the applicant was made aware of the code provision that requires a 24 foot wide landscaped area between the vehicular use area (VUA) and building. Based on the building's proposed height (72'-3" to the roof), 24 feet of landscaping are required between the building and parking, pursuant to code section 155.5203.D.5.a.
4. The parcel itself has a unique shape, and the applicant's narrative contends this contributes to the extraordinary and exceptional conditions that justify a variance. A landscape plan was included in the applicant's submittal that illustrates how strict application of this code requirement would render the site highly impracticable with 24 feet of narrow landscape strips encroaching into the drive-aisle.
5. The applicant suggests the project provides a superior site and landscape plan which includes a "green wall" planting surrounding the private garage entrances and a planting plan that will moderate heat island effects.
6. Staff concedes the entitlements for 99 dwelling units on a 2.2-acre infill site do pose certain design and development constraints. Regardless of the relief requested in this variance application, the project must also obtain a Major Site Plan development order from the Planning & Zoning Board (P&Z) and a Major Building Design development order from the Architectural Appearance Committee (AAC).

LAND USE PATTERNS

Subject property (Zoning | Existing Use):

- RM-45 | former recreational parcel

Surrounding Properties (Zoning District | Existing Use):

- North: RM-45/PCI | Wyndham Palm-Aire hotel/timeshare
- South: RM-45 and PR | clubhouse and golf course
- East: RM-45 | parking lot
- West: RM-45 | Chabad of Palm-Aire

VARIANCE REVIEW STANDARDS

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- 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;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- 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;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or

structures that are similarly situated.

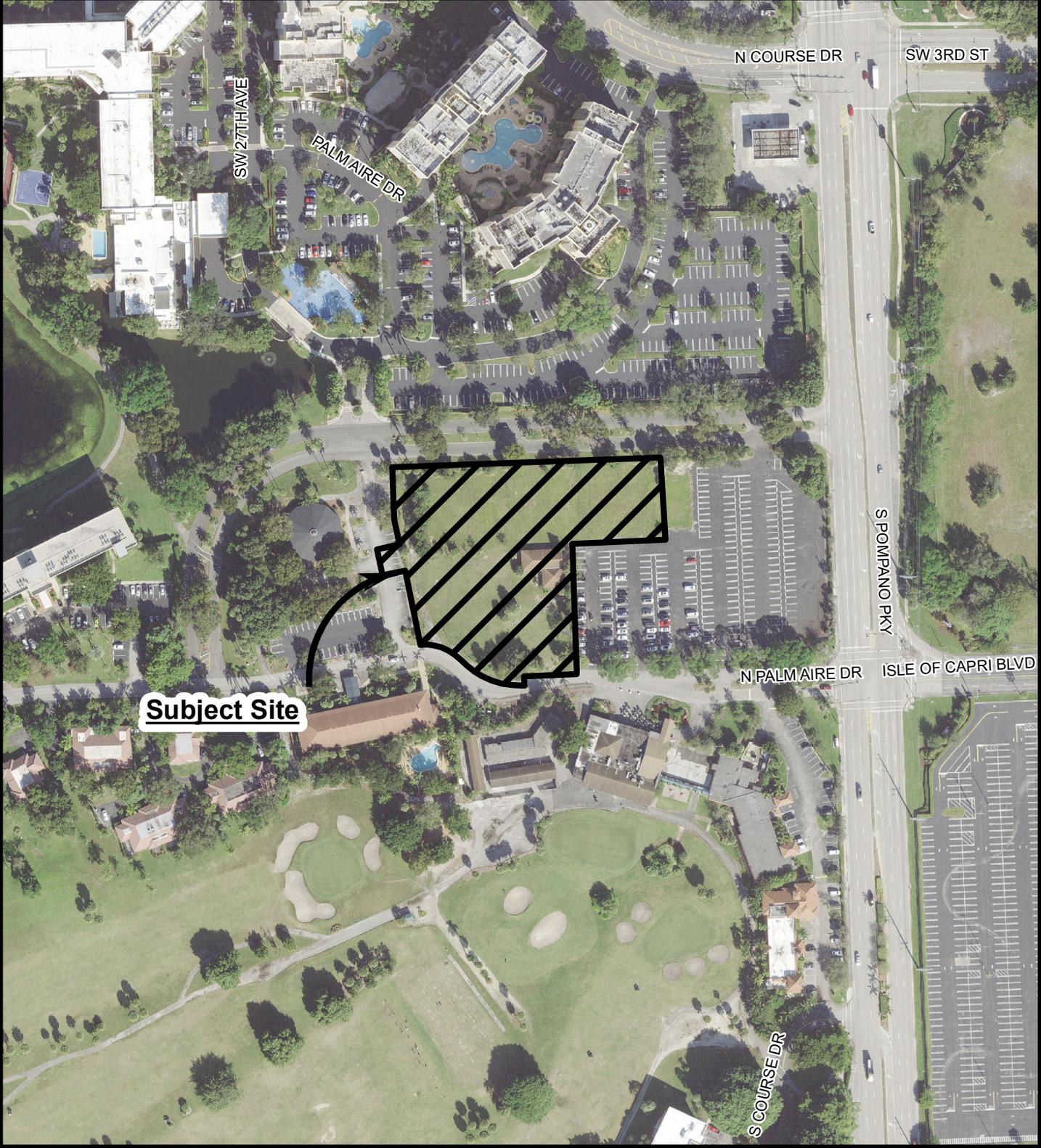
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

Staff Conditions:

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as a part of the Order:

1. Obtain all necessary governmental permits and approvals including Major Site Plan, Major Building Design, and building and zoning compliance permits.
2. Substantial compliance to the plans submitted with this application and Site Plan PZ #21-12000033.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES