



Staff Report

File #: LN-365

Zoning Board of Appeals
Meeting Date: November 17, 2022

VARIANCE - ENTOURAGE FLORIDA DEVELOPMENT, LLC

Request: Variance
P&Z# 22-11000017
Owner: Entourage Florida Development, LLC
Project Location: 407-419 N Riverside Drive
Folio Number: 484331130050 / 484331130060
Land Use Designation: H- HIGH 25-46 DU/AC
Zoning District: Multiple-Family Residence 45 (RM-45)
Agent: Courtney Callahan Crush
Project Planner: Scott Reale

Summary:

Applicant Landowner is requesting a VARIANCE from the following provisions:

1. Section §155.5203(D)(3)(c)(ii) [Perimeter Landscaping Strips] of the Pompano Beach Zoning Code, in order to provide a 5 ft wide perimeter landscaping strip along the east property line (N Riverside Drive) rather than provide a 10 ft wide perimeter landscaping strip as required by code.
2. Section §155.5203(D)(5)(a) [Landscaping Between VUA and Buildings] of the Pompano Beach Zoning Code, in order to provide a 5 ft wide landscaped area between the vehicular use area and portion of the east building façade rather than provide a 24 ft wide landscaped area as required by code.
3. Section §155.5102(D)(4)(b) [Interior Landscaping Standards] of the Pompano Beach Zoning Code, in order to omit an 8 ft landscaped island for surface parking along the north end of the property.

The subject property is located on the west side of N Riverside Drive (along the Intracoastal) between NE 4th Street and Sunset Drive.

ZONING REGULATIONS **155.5203. LANDSCAPING**

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D. Vehicular Use Area Landscaping

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3. Perimeter Landscaping Strips

Perimeter landscaping strips shall be provided and maintained around the perimeter of a vehicular use area to screen view of it from any abutting public right-of-way, private roadway, alley, property, or waterway in accordance with the following standards, except where such screening is provided by an intervening on-site building or other structure and on land crossed by an authorized vehicular, bicycle, or pedestrian accessway or easement for an underground utility line.

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c. Width

The minimum width of the perimeter landscaping strip shall be:

- i. Twenty feet in industrial developments abutting a major arterial, minor arterial, or collector street;
- ii. Ten feet in all other developments on lots greater than 100 feet wide; and
- iii. Five feet in all other developments on lots no more than 100 feet wide.

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4. Interior Landscaping Standards

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b. Landscaped Islands in Parking Bays

i. A landscaped island shall be provided at each end of every row of parking spaces. Where a row of parking spaces contains ten or more parking spaces, additional landscaped islands shall be provided at a spacing no greater than one every ten parking spaces.

ii. Each landscaped island shall be at least eight feet wide and at least as long as the adjacent parking spaces, with the long axis of the landscaped island running approximately parallel to that of the adjacent parking spaces.

iii. Each landscaped island shall contain at least one canopy tree. Understory trees may be substituted for canopy trees in areas beneath overhead utility lines. Trees shall be maintained to provide maximum canopy crown.

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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 currently consists of two parcels, the southern lot is vacant and the northern lot contains a multi-family building consisting of 23 units built in 1966 which is slated for demolition. The applicant is unifying the two parcels - totaling 0.93 acres - in order to develop a 42-unit multifamily development with one 10-story building, with an internal parking garage including basement parking, and associated amenities. This Major Site Plan application, PZ #22-12000011, was reviewed by the Development Review Committee (DRC) on 6/1/2022, 7/20/2022, and 10/5/2022.
2. While the land use for this property allows for up to 42 dwelling units, the applicant has not presented a site plan to staff complying with all of the landscape requirements, which are outlined below.
3. The proposed 42 unit multi-family development is designed with two separate parking decks enclosed within the building; however, the vehicular use areas and parking spaces outside of the building are not designed in accordance with the minimum landscaping requirements. Vehicular use areas are required to be screened by landscaping to conceal the cars and loading activity from adjacent properties &

public right-of-ways. The building has been designed so that the garbage/recycling pick-up, as well as other large vehicles for loading will be in front of the building. The Applicant is requesting a reduction of the minimum landscaping width between the building and the road, which will diminish the amount of landscaping that can be provided. Additionally, the Applicant is requesting to reduce the minimum landscaping between the building and vehicular use areas. Despite the fact that majority of the parking is located within the building, the pervious area of the property is scarcely in compliance with the minimum standard (25% = 10,188 square feet; applicant providing 10,268 square feet).

4. Staff believes the applicant could fully comply with landscaping requirements if fewer units were proposed, thereby decreasing the amount of parking required located wholly within the building, as well as finding an alternative location for the loading.

LAND USE PATTERNS

Subject property (Zoning | Existing Use):

- RM-45 | multi-family dwelling and vacant lot

Surrounding Properties (Zoning District | Existing Use):

- North: RM-45 | multi-family dwelling (Triton Condominium)
- South: RM-45 | multi-family dwelling (Marine Terrace Co-Op)
- East: RM-45 | single-family dwelling and multi-family dwelling (Surfside Villas)
- West: W | Intracoastal Waterway

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:

Staff does not support the proposed variance application. The applicant has not identified any extraordinary or exceptional condition related to the development site which totals nearly an acre once combined with the adjacent parcel. Most of the developed properties along the west side of N Riverside Drive are of a similar size and most have not sought relief. Those that have are older properties that sought variances in order to comply with today's code requirements when making improvements to the property. The property could be developed without the need for relief through creative design and decreasing the number of proposed dwelling units.

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 conformance to the site plan submitted with the site plan application (P&Z: 22-12000011).

CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

407 - 419 N Riverside Drive

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES