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August 9, 2022

City of Pompano Beach
Zoning Board of Appeals

Re: Premium 2600 Palm Aire LLC Variance Application - Narrative

Dear Chair Person and Board Members:

The undersigned represents the applicant, Premium 2600 Palm Aire LLC, with regard to the variance application for a proposed site plan to develop a 99-unit multi-family residential project located generally west of Powerline Road at N. Palm Aire Drive (the "Project"). The Project site received an allocation of ninety-nine (99) flex units by Resolution No. 2018-104, approved by the City Commission on March 13, 2018. The application requests a variance from the requirements in Section 155.5203.D.5 of the Zoning Code to provide a minimum of 24 foot wide landscaped area between the vehicular use area and the building.

The requested variance satisfies the criteria for a variance as stated in Section 155.2420 of the Zoning Code, as follows:

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;

Response: The Project site is an irregularly shaped parcel that has resulted from the development or conveyance of the surrounding lands. The site was previously used as tennis courts and a small maintenance building associated with the Palm Aire golf club; as such, the configuration of the site to facilitate future development was not a priority for those former uses. The surrounding lands are either built-out or used as golf course; therefore, the challenge of developing an irregularly-shaped parcel does not apply to other lands or structures in the vicinity. Please note the irregular shape as shown in the aerial below:

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Albany. Amsterdam. Atlanta. Austin. Berlin[†]. Boston. Charlotte. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Houston. Las Vegas. London.^{*} Long Island. Los Angeles. Mexico City^{*}. Miami. Milan[»]. Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Portland. Sacramento. Salt Lake City. San Francisco. Seoul[»]. Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv^{*}. Tokyo^{*}. Warsaw^{*}. Washington, D.C. West Palm Beach. Westchester County.



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

Response: The shape of the parcel was created by prior owners in connection with the development and conveyance of the surrounding parcels. The subject parcel was formed by the conveyance of those surrounding parcels. Therefore, the extraordinary and exceptional conditions described in response to 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;

Response: The application of Section 155.5203.D.5 to the Project would effectively prohibit the development of Project and result in unnecessary and undue hardship. The features of the Project that exceed and set it apart from a typical suburban apartment building, i.e. the private garages, modern design and building placement fronting at the private road entrance, shielding the surface parking, would not be possible if the landscape requirement between the building and vehicular use area was strictly applied. The proposed garages require direct access to the drive aisle.

As depicted below, the applicant proposes to beautify the facades where private garages are located by installation of planters between the garage doors that will include plants that will grow up, along the wall, to create a green-wall effect.



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

Response: The requested variance would not confer any special privilege on this applicant that is denied to other, similarly-situated, lands because the shape of the property, its location, and its creation as a remnant from other developments is a unique circumstance. There are no other vacant, unused, irregularly-shaped lands in the vicinity of the subject property.

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

Response: The Project has been designed and modified in response to staff comments to comply with all other Code requirements. This requested variance is the minimum necessary to allow the proposed use of the land for the Project as proposed, which includes the location and placement of the building on the site, with surface parking substantially behind the building, and the incorporation of private garages.

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

Response: The variance is in harmony with the purpose and intent of the Code and preserves its spirit. The intent of the landscape requirements of the Code is to require landscaping that “protects and enhances property values, the environment, and aesthetic qualities in the city, and otherwise promotes the public health, safety and general welfare.” See Section 155.5201, *Purpose*. The landscaping plan for the Project achieves that intent with lush pool deck and perimeter landscaping and the proposed “green wall” planting surrounding the private garage entrances.

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In addition, the landscaping plan will moderate heat island effects as referenced in Section 155.5201.E. by preserving mature trees, with 22' to 24' heights, along the eastern property line across from the eastern building façade. The eastern façade will be shaded throughout the day except the very early morning.

The variance will enhance the aesthetic qualities of the Project and surrounding area, and permit the use of outstanding urban design and modern architecture. The variance will provide human scale to the urban environment and reduce the visual impact of the structure with the use of planters and green wall and by locating the building fronting the private access road, shielding the visual impact of the surface parking lot. See Section 155.5201.K, L and M.

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

Response: The variance will enhance the health and safety of the Project residents by providing a secure, private parking option. The variance will not adversely affect the health or safety of persons in the neighborhood, nor be injurious to other property or the public welfare. Rather, the variance will support a higher quality of design, and the inclusion of private garages results in a more valuable and stable asset which, in turn, contributes to the preservation of property values throughout the neighborhood.

h. The Variance is consistent with the comprehensive plan.

Response: The variance is necessary to permit the Project as designed, and the Project use and density is consistent with the existing RM-45 zoning. Further, by allocation of flex units, the Project is consistent with the future land use element with regards to use and density. The Project advances selected policies incorporating “Smart Growth” criteria as stated in Objective 01.14.00 of the Future Land Use Element:

Policy 01.14.01 The City shall emphasize re-development and infill, which concentrates growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

Policy 01.14.03 The City will encourage and implement energy conservation and reduction of greenhouse gasses ... which generally include the following: ... B. Priority use of small properties in urban areas; ... use of lands close to sewer and power lines, mass transit or green space.

Finally, the Project, utilizing the requested variance, will satisfy all other Code requirements implementing and ensuring consistency with the comprehensive plan.

In addition to satisfying the variance criteria, the applicant does not seek to justify the variance request on any of the following prohibited bases:

a. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;

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Response: The proposed use, a multi-family residential project located in RM-45 multi-family residential zoning, is a permitted use.

b. Hardships resulting from factors other than application of requirements of this Code;

Response: The layout and design of the proposed Project will deliver a modern, high-quality project including a number of private garages which, by necessity, must have direct vehicular access to the associated drive aisle. The need for the variance arises solely from the application of the Code to the north and east sides of the building where private garages are proposed.

c. The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or

Response: The requested variance will permit the inclusion of private garages in the Project, an increased cost to the applicant, and will permit the location of the surface parking substantially behind, hidden by, the building. These features create a more appealing design for the surrounding area and contribute to the long-term quality and stability of the Project.

d. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

Response: Please note that the applicant's justification for the variance, as set forth herein, does not refer to or rely upon other nonconforming or conforming uses of land or structures in the same or other zoning districts.

Thank you for your consideration.

Respectfully submitted,



Tracy H. Lautenschlager
Shareholder

THL: