

Richard W. Carlson, Jr.
2377 Crawford Court
Lantana, FL 33462
Phone: 561 433-0172
Telecopier: 561 433-0874
Email: richard.chip.carlson@usa.net

August 12, 2004

Mary McKinney, AICP, Director
Department of Community Development
City of Riviera Beach
600 West Blue Heron Boulevard
Riviera Beach, FL 33404

Re: Request for three variances from the Zoning Code.

Dear Ms. McKinney:

Please accept this letter, completed form and two (2) deposit checks which total \$2,000.00 as application for three variances from the Riviera Beach Zoning Code. This request is to seek relief from the following requirements of the Resort Hotel zoning district:

- To allow the twenty-story portion of the building to have a length of 370 east-west feet, a variance of 170 feet from the current requirements;
- To allow for a maximum width of the main structure to be measured geometrically (perpendicular to the axis of the building) rather than geographic direction (north-south); and,
- To allow the construction of the front building of up to ten stories prior to it being considered a high-rise structure.

The applicant wishes to build a high-quality destination hotel/condominium development on the site of the Island Beach Resort. This property is one of two properties within the RH Zoning District that has not undergone redevelopment in the recent past. It is occupied by a low-rise motel which is no longer an asset to the community. Recently the City adopted restrictions in the Resort Hotel Zoning District which unintentionally defeat the design purposes intended in the RH Zoning District and warrant the granting of variances to accommodate the redevelopment of the site.

This property is the larger of the two remaining sites. The recently-adopted regulations are in fact less burdensome on the other smaller site, which is the Rutledge Motel. That site is narrow, so the 120 foot north-south building restriction never comes into play. Stated another way, because the site is narrow, the site would not allow for any more building width even if the 120 foot maximum requirement did not exist. Thus, as demonstrated in this application, and further discussed in this letter, the regulations are actually punitive to larger properties.

The requested variances allow development of the site in accordance with the intent of the RH District. With the variances the RH District regulations provide sufficient standards to protect the public welfare while allowing for greater innovation in design. No variance from setbacks is sought. Using the current setback standards coupled with the variances sought, concerns over light and air as well as visual impacts resulting from spacing are addressed, and the resulting development will be more in keeping with the design standards of the RH District regulations. Here is how the relevant regulations create an unintended design option on larger properties:

- 1- In the RH District any high-rise structure must be set back 100 feet from A1A, with an additional two feet of setback for each story above two stories. Any structure two stories or less can be set to within 50 feet of A1A.
- 2- The side yards are required to be at least 20 feet or ten percent of the lot width, whichever is greater, with an additional two feet of setback for each story above two stories.
- 3- The rear setback is established as the 1979 Coastal Construction Setback Line or 25 feet from the crest of the dune, whichever is greater.
- 4- The maximum north-south dimension of the high-rise structure is 120 feet.
- 5- The maximum east-west dimension of the high-rise structure is 200 feet.
- 6- The high-rise structures must be separated by at least 100 feet.

The property is approximately 340 feet wide and approximately 600 deep to the 1979 CCCL, and averages approximately 907 feet in total depth. Applying the setback regulations listed above to the property results in a side setback for the twenty story high-rise portion of 70 feet and a front setback for the high-rise portion of 136 feet. If the variances requested were not granted, the building-dimension and -separation regulations listed above would allow for the construction of two towers, each being 120 wide (north-south) by 180 feet deep (east-west), and separated by 100 feet, with one located at the 1979 CCCL, and one located 136 feet from A1A. The design shortcomings when applying these regulations to the site are clear when the graphic attached as Exhibit A is reviewed. Two narrow, boxy rectangles result. This design is certainly not the intended consequence of the RH District regulations.

Granting the three variances requested, and applying all other RH District regulations, results in a more innovative design that protects and furthers the intent of the RH District regulations. Proposed is a three-fluted twenty-story structure east of a ten-story structure, with both being buttressed by a two-story parking structure. All buildings, and in particular the parking garage, will be architecturally enhanced on all four sides. The parking garage will not appear as such from the outside. See Exhibits B and C for the general building/site plan and general appearance/architectural treatment.

All setbacks are met. The front setback is 116 feet, the side setback for the two-story portion is ten percent of the width of the property. The Ocean setback is the 1979 CCCL. The RH District also requires that the floor area ratio or FAR not exceed 2.0. This requirement is an additional form of cap upon how much can be constructed upon any property within this district.

All landscaping standards are met. The property will be thirty percent pervious. A minimum of twenty percent of the development site will be landscaped. Twenty percent of the parking lot will be landscaped. The buffers will be in accordance with the landscape code, and include the proper number of native vegetation, shrubs, and canopy trees.

This design set forth in Exhibits B and C further the intent of the RH District regulations and result in an aesthetic structure. The height of the ten-story building to the front, with its setback, minimizes the impact of the massing of the twenty-story portions. Conversely, the twenty-story element to the rear, and its orientation, makes the ten-story element in front appear smaller. That is, the eye compares the two building elements, thereby making massing appear less. Again, the result is a more appealing structure than what a strict application of the literal terms of the RH District regulations allow.

The building dimension and separation requirements for which variances are being sought put the City in position of having designed the pattern of development along the beach. With the 120 foot north/south maximum, the 200 foot maximum length of each building, and the 100 foot separation, the City has virtually forced all development to occur perpendicular to A1A.

How these regulations affect development along the beach varies depending upon the size of the parcel. For example, if the property currently occupied by the Rutledge Motel was to be redeveloped, the following would be some of the considerations:

- 1- The property is 150 feet wide. Assuming a ten-story building, the side setback would be 31 feet, which means that you have 62 total feet of setbacks leaving room for 88 feet of building width and assuming the maximum length of 200 feet in an east/west direction.
- 2- This site is approximately 2.59 acres yielding 52 units, using City staff estimates, if the MEHQ bonus is applied. It is easy to achieve the placement of those units in a structure of these dimensions.

Now contrast the above with the site of the current Ocean Beach Resort. You have a site which is approximately 340 feet wide. The RH District requires a 10% side setback plus two feet for every story over two stories. Assuming a 20-story building, the setback would be 70 feet from the north and south property lines, leaving 200 feet of building area. However, the building cannot exceed 120 feet in width in the north/south requirement so the owner of this larger property is immediately penalized for having more property width. To avoid this penalty, the boxy towers have to be constructed to achieve the densities allowed in the RH District.

To achieve the density permitted under the code becomes increasingly difficult and potentially results in an inferior product as one increases the lot size. It is because of this unintended inequity that the request is being made. Additionally this request would seek allowance that would permit the construction of up to ten stories before being considered a high-rise.

The Code provides specific criteria which must be applied to a variance request prior to a variance being granted. Each criterion is stated in italics, with the manner in which this application meets the criterion immediately following.

- 1- *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.* This property is one of two remaining parcels in the RH District which are likely to be redeveloped. As described above, under current regulations the property cannot be developed to the same proportionate degree that the other smaller parcel can be. This inadvertent inequity results in an owner of a larger property not being able to develop to the same degree or density as smaller properties. This is a special condition of the land which can be relieved by the granting of the requested variances.
- 2- *Conditions not created by the applicant. That the special conditions or circumstances did not result from action or inaction(s) of the applicant.* The applicant did not create the regulations or the property configuration. It is the relationship between these regulations and the configuration that creates the inequity and, in turn, the poor design if literally applied to the subject property.
- 3- *Special Privileges not conferred. That granting the variances requested will not confer any special privilege that is denied to other lands, buildings or structures.* The applicant simply seeks the ability to develop this property to the same level of development afforded a smaller parcel, other parcels in the RH District, and to the level of density afforded in the RH District. In addition, the allowance for ten stories prior to being counted as a high-rise is similar to what has been allowed in the recent past. As was the case under

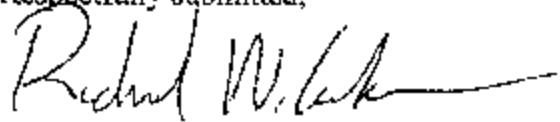
previous regulations, the shorter ten-story portion serves to break up the visual impact of the structure, thereby creating the impression of less bulk and mass.

- 4- *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 the existing zoning ordinance.* As pointed out, this applicant is requesting the ability to develop to the same intensity afforded owners of similar, albeit smaller parcels. Additionally, the high-rise definition relief being sought is similar to projects previously approved by the City.
- 5- *Minimum variance only to be granted. That the variance granted shall be the minimum variance that will make possible the requested use of the land, building, or structure.* The applicant has proposed an innovative design that achieves the level of development allowed in the RH District, avoids the boxy, rectangular towers, and creates an aesthetic project which is of benefit to the community and furthers the intent of the RH District. The variances sought are the minimum necessary to accomplish this result.
- 6- *Not injurious to public welfare or intent of ordinance. The grant of the variance 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.* Again, the development of the property is consistent with, and furthers, the comprehensive plan and land development code. The development, as proposed, will be compatible with the surrounding developments in the area. It will, in fact, be more aesthetic than previously-approved developments, including recently approved developments. The architecture will achieve a sense of less massing, and better proportions to buildings and setting. The building will have extraordinary architecture. The site will have more landscaping and buffering than found in area properties.
- 7- *Conditions and safeguards may be imposed. In granting any variance the board may prescribe appropriate conditions and safeguards in conformity with the 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 endorses any conditions necessary to ensure the intent of the RH District is furthered, and the project is built as proposed. The applicant recognizes that the variances are integral to the design proposed, and should only apply to the design proposed.

This request is not for allowance of any use not permitted in the district. The density proposed for the project is the density set forth in the RH District.

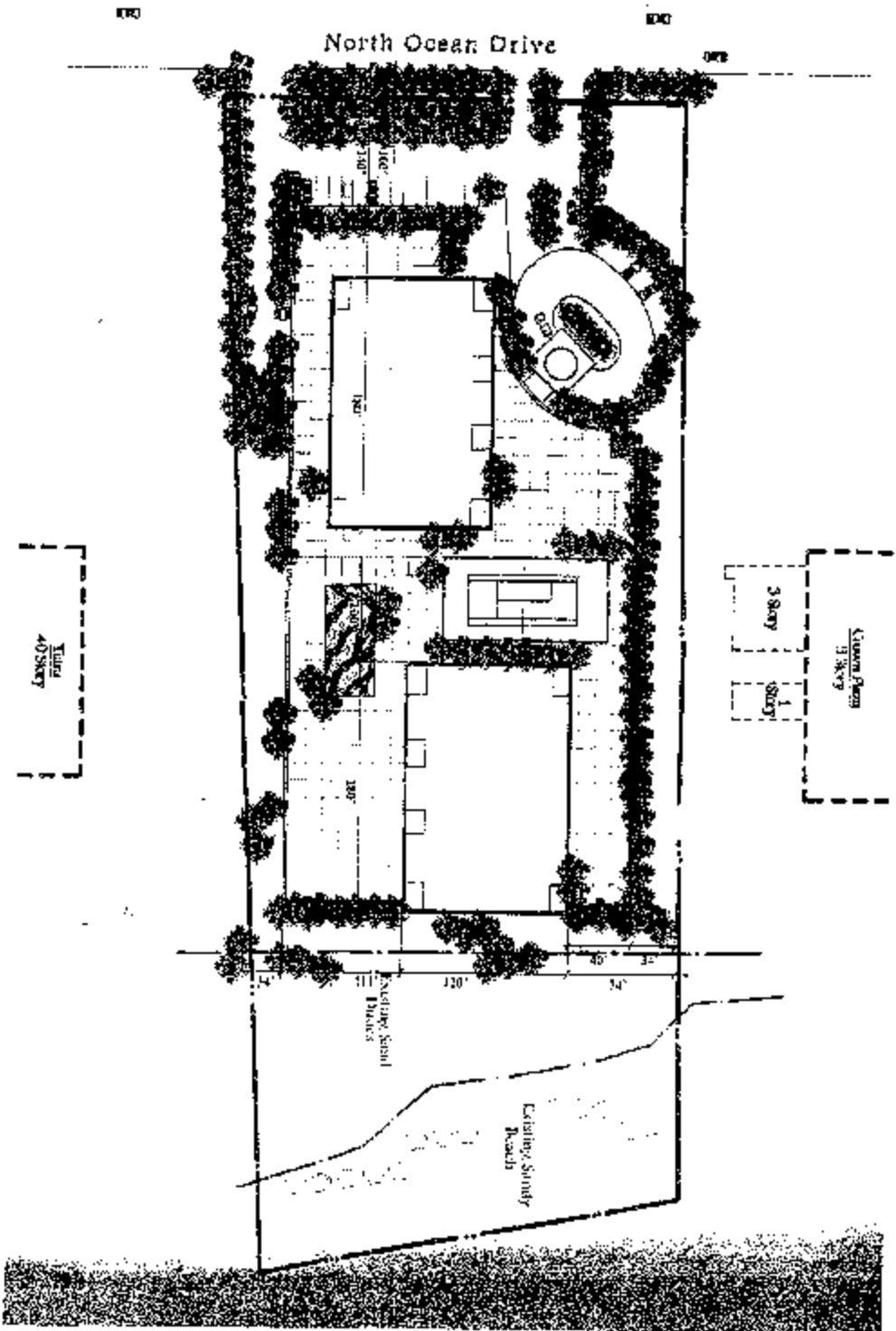
Please process this request as soon as is possible. We invite you and any members of your staff to meet with us to more fully discuss this request. We look forward to working with you in seeing this project going forward to the benefit of the Riviera Beach community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard W. Carison, Jr.", with a long horizontal flourish extending to the right.

Richard W. Carison, Jr.

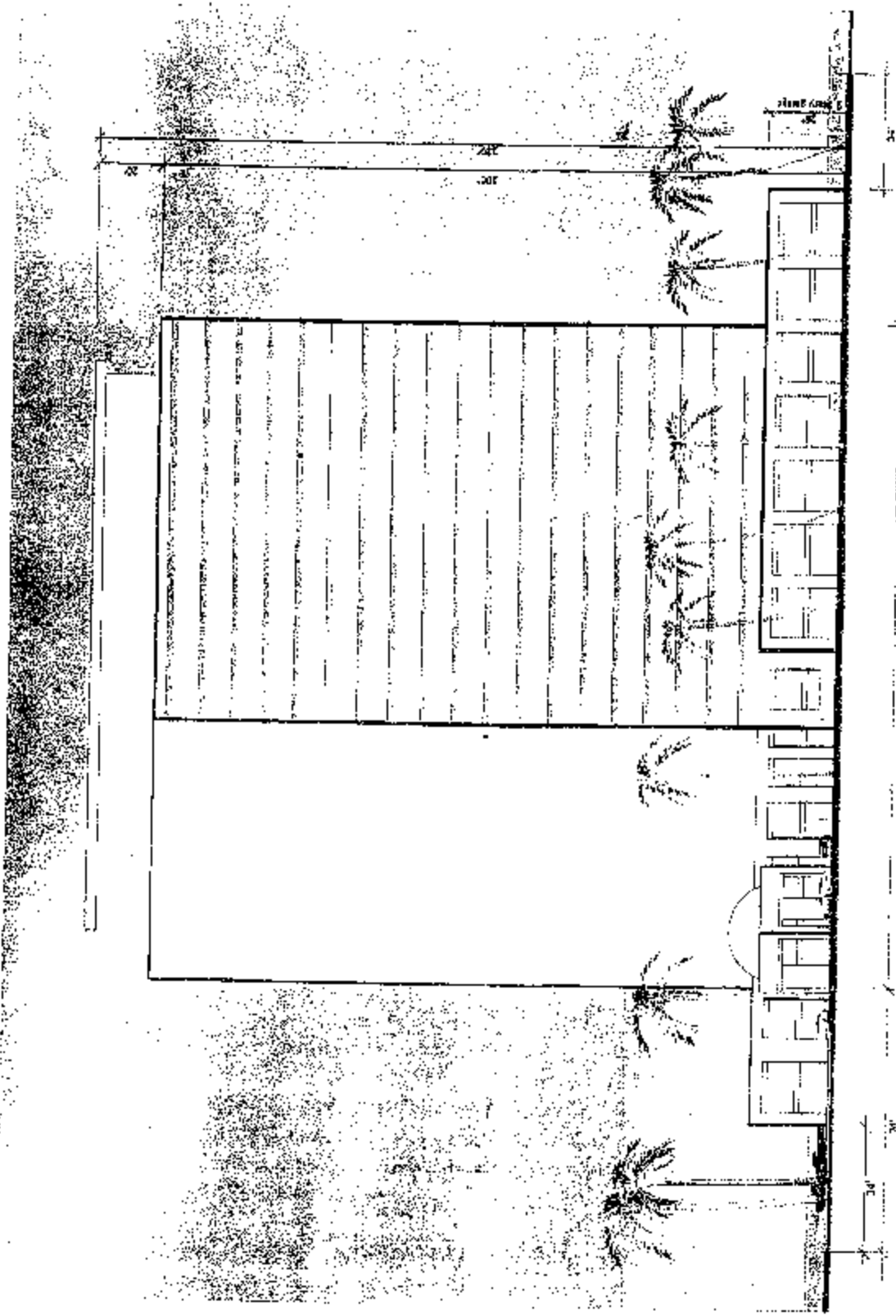
cc: Dilip Barot, Island Beach Resort
Sumant Kachru, Island Beach Resort
Steve Kvarnberg, Krent Wieland Design, Inc.
David J. Meeks, Meeks - Partners
David Brobst, Wautman Group



SINGER ISLAND
 A Development of Creative Choice
 Riviera Beach, Florida
 June 22, 2004

Exhibit A
2 Box Towers





SINGER ISLAND
A Development of Creative Choice
Riviera Beach, Florida
June 22, 2004

