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Variance Summary 1

Request a variance from Section 31-529(5) (d) High-rise setbacks: all buildings in excess of two stories shall provide two feet additional setback from each property line (with the exception of ocean side setback line) for each additional story of height.

(1) *Specific criteria for approving variances.* In order to authorize any variance under the terms of this ordinance, the board must find all of the following specific criteria:

a. *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.

The lot is one of six designated lots in the RH Zoning District ("District"). This particular lot is the narrowest lot of the six lots. Because of the lot's unusually small width, the code required setbacks would result in 68% of the lot's width to be utilized for side yard setbacks. The enforcement of a literal interpretation of the code would be detrimental to the pursuit of redevelopment of the older motel sites identified in the RH Zoning District and would prohibit those properties from being redeveloped in accordance with the purpose and intent of the District to improve Riviera Beach's resort area with a higher quality environment through the use of good architecture and aesthetic design. Because this lot is only 150 feet wide it would also be an unfair burden for the property owner. Therefore, the side yard setbacks for this lot should be reduced to be consistent with a proportional rational as provided for the other lots in the District. The average percentage of the lots width required for side yard setbacks for all other lots in the District is 41.5%, equivalent to 31.1' feet, of side setback required per side. The Applicant is proposing a 30 foot side yard setback to allow for the minimum 90 foot width

required for two residential units to align with the beach front. In this segment of the luxury market a minimum of two units along the beach frontage with a minimum dimension of 90 feet is deemed necessary to accommodate a floor plan consistent with expectations for this type of product offering and to provide superior architectural design and appearance.

RH District Lot # (name)	Frontage Dimension (Width)	Setbacks / Frontage	Percent of lot north-south dimension (width) required for the side yard setbacks
1 Canopy Palms	300'	124' / 300'	41.3%
2 Ruledge	150'	104' / 150'	69.3%
3 Hilton	300'	124' / 300'	41.3%
4 Crowne Plaza	215'	107' / 215'	49.7%
5 Island Beach	345'	133' / 345'	38.5%
6 Days Inn	375'	139' / 375'	37.0%

b. Conditions not created by applicant. That the special conditions or circumstances did not result from the actions or inaction(s) of the applicant.

The lot dimensions are existing and are not derived by actions of the applicant.

c. Special privileges not conferred. That granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.

Special privileges are not being conferred because all the other lots are required to meet an average of 41.5% of the width of the lot to accommodate the requirement. The applicant is proposing 40% of the width of the lot as a setback to accommodate the proposed building width of 90 feet in order to provide for two units along the beach frontage similarly to the approved adjacent WCI development which has a 94 foot north-south tower dimension. The 90 foot dimension is the result of expectations for this type of product offering to

¹ A minimum side setback to develop an 18 story structure is 10% of the lot width or 20 feet, whichever is greater, + 2 feet for each story above the second floor.

accommodate varied interior floor plans consistent with other structure in the immediate market.

d. *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 existing ordinances.

If a literal interpretation of this provision is enforced, this one lot would be singled out as being unable to accommodate a typical high rise structure that would be permitted elsewhere in the District.

(2) *Supplementary criteria for determining variances.*

a. *Minimum variance only to be granted.* That variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.

The applicant is proposing 40% of the width of the property for side yard setbacks which is only 1.5% less than the average 41.5 % required for all other lots in the District. This additional 1.5 % reduction is required to maintain the minimum 90 foot beach frontage dimension for the two eastern units of the proposed building.

b. *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.

The requested variance will enable the property to be redeveloped consistent with the goals, objectives and purpose of the newly created RH Zoning District to encourage redevelopment of the older motel sites located in the District with lower traffic generating residential development to create a higher quality environment through the use of good architecture and aesthetic design. The reduction in the side setbacks is consistent with and in proportion to the other lots in the District. The resulting structure will not be injurious or detrimental to the public's welfare in any way since the structure is similar in all dimensions as compared to other structures permitted on the beach or in the District.

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Site Plan Supplemental Information

Existing Conditions:

60 room motel with pool bar.

Proposed Development

A Mediterranean style residential 18 story building with 58 luxury condominium units on 2.906 acres of land located directly on the Atlantic Ocean on the east side of North Ocean Drive in Riviera Beach, Florida. The residential floor plates are 111,891 square feet with four units per floor. Each floor is served by a central elevator core with private elevator access and lobbies for each unit. A guest elevator and two stairwells are also provided as a means of ingress and egress. All units are designed to provide ocean views with the two eastern units having the direct beach frontage. The two western units will have balconies facing to the northeast and southeast in addition to the western views of the lake and Intracoastal waterway. Parking is provided by an internal parking garage with 120 spaces. The parking garage also serves as the pedestal for the residential tower, including the 23,420 square feet of area devoted to amenities, in addition to a large designer pool. Ten (10) visitor parking spaces are provided in the parking structure with 6 of them located directly in front of the residential tower's covered entry feature. A gated entry with a guard house is provided to control access onto the site. The project's main amenity focus is the sub-tropical beach location and the Atlantic Ocean views.

Use

A luxury condominium is an appropriate use of the property and is encouraged by the Future Land Use and the Resort Hotel High Rise Zoning District Designations. The proposal to redevelop the site to conform to these requirements will improve Riviera Beach's resort area with a higher quality environment through the use of good architecture and aesthetic design. The proposed building density, height, and mass are also consistent with other condominium development in the immediate area. The proposal also includes participation in the Minority Employment and Affordable Housing

Opportunity Plan Program to increase the permitted density from 17 dwellings / acre to 20 dwellings / acre. The applicant proposes the cash contribution option to help fund the associated programs offered by the City.

Landscape Techniques

Landscape treatment similar in nature to the new condominium/hotel project immediately to the north of the subject project was used to create a consistent look along North Ocean Drive. A blend of native plants, tropical hardwoods, palms, and beach vegetation have been used around the entire site. Dense vegetative plantings in multiple levels will completely screen the parking deck from view along North Ocean Drive and from the adjacent properties. Specimen trees and shrubs have also been used throughout the development to provide additional interest and texture to the design. The developer also proposes to supplement native plantings into the dune areas to improve the vegetation coverage within the dune area. This supplemental planting area will align with the natural dune contours north and south of the proposed development.

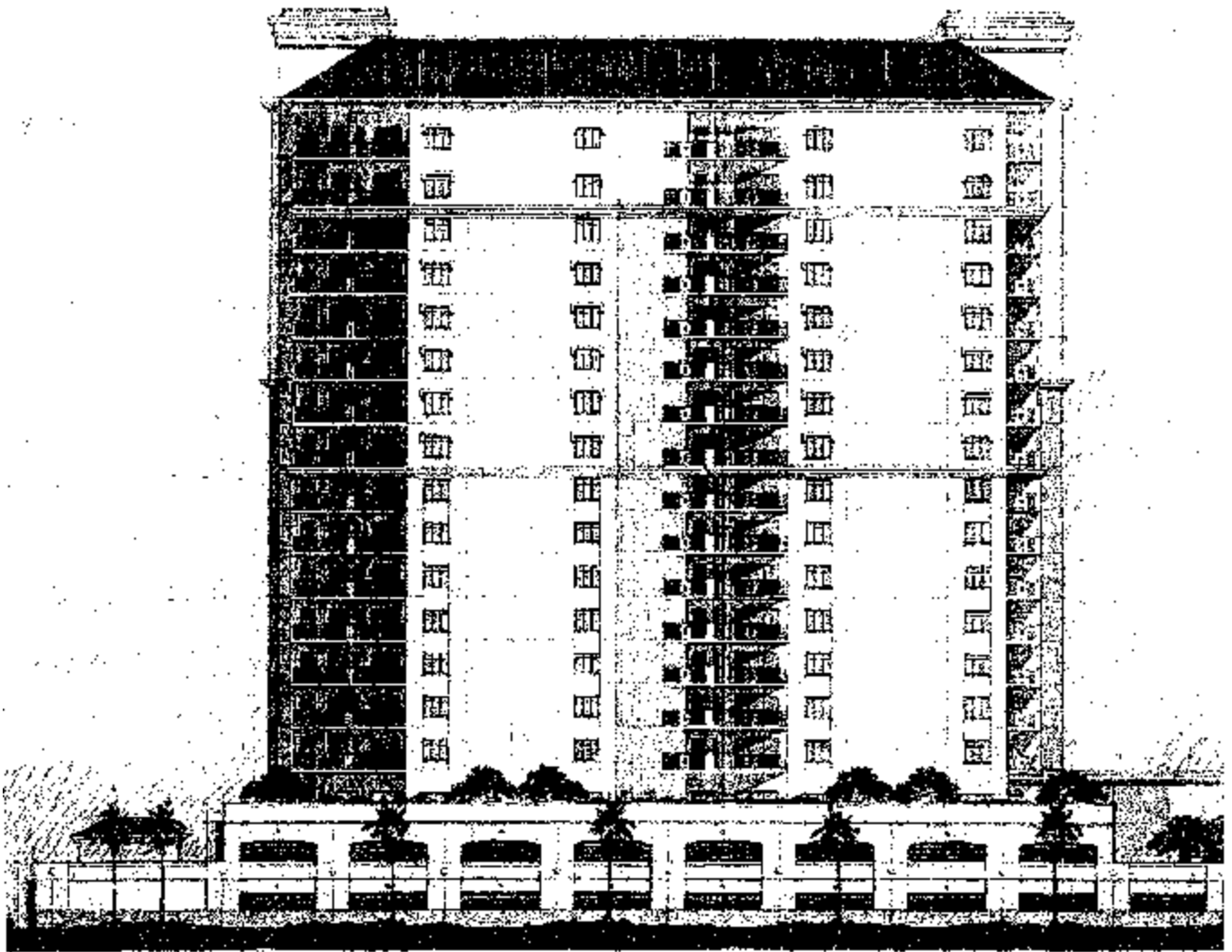
Reduction In Use Related Impacts

To lessen the impacts on neighboring properties the project was designed to provide internal parking within the structure screening it from view. This internal parking will improve the overall aesthetics of the area by reducing the amount of exposed surface parking that presently exists on site.

The proposed parking pedestal design will allow the building to be parked internally within the structure while providing a 30 foot side yard setback and a 103 foot front yard setback. The residential tower is set back from the front property line 337 feet. The developer has proposed significantly larger front setbacks than required by code for both the parking garage and the main residential tower to provide additional spatial buffer from the neighborhood to the west. This will further reduce the visual impact on the existing single family homes on the west side of North Ocean Drive.

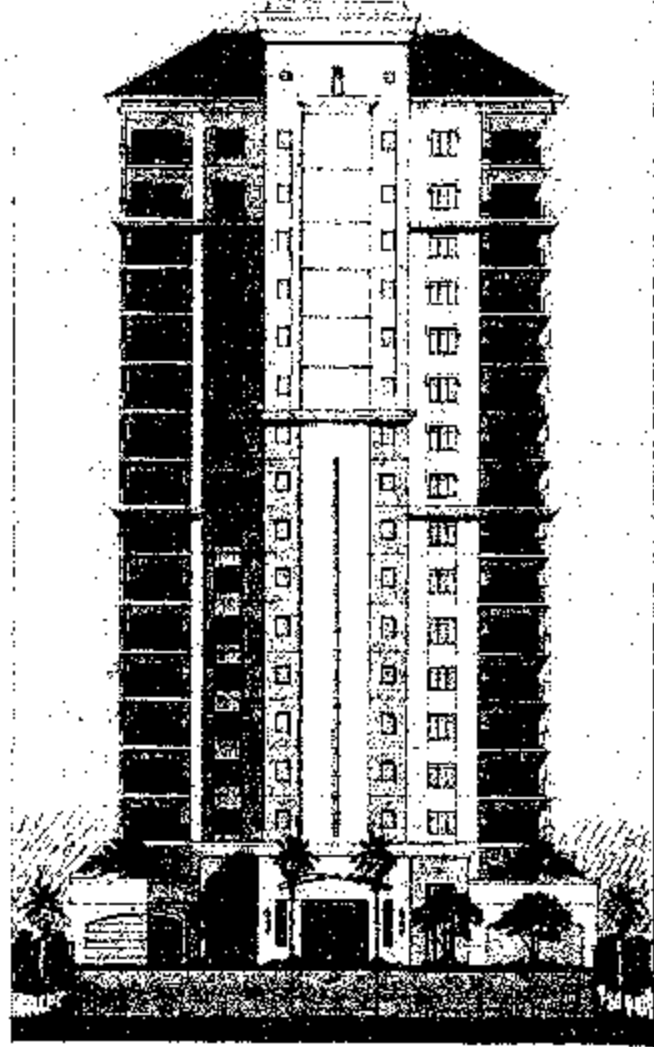
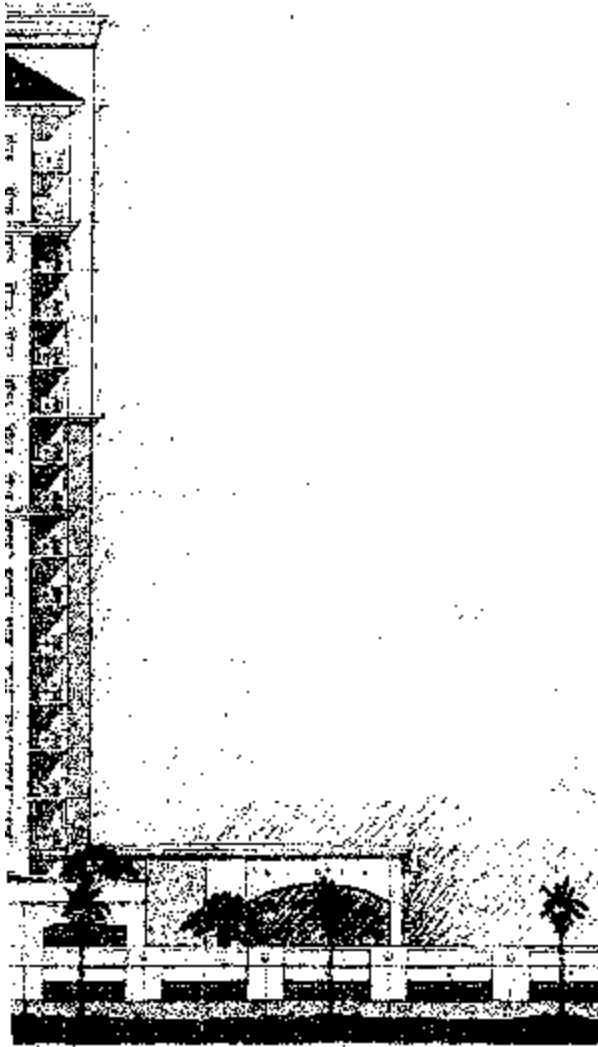
The project as proposed will eliminate the transient nature of the existing motel use and will reduce the overall traffic generated from the site. The proposal will also improve the overall aesthetics and architectural appearance of the area as a result of the redevelopment this older motel site.

125



NORTH ELEVATION

Rb-1



WEST ELEVATION

SCALE: 1/16" = 1'-0"

ELEVATION COLOR STUDY

12/6/2