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**Meeting Name:** Town Council Meeting

**Meeting Date:** August 28, 2024

**Prepared By:** Isabella Hickey

**Item Title:** Application for a Major Development and Site Plan Amendment to the 700 Ocean Drive Planned Unit Development

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## **DISCUSSION:**

The Town received an application for a Major Development and Site Plan Amendment from the “700 Ocean Drive Homeowners’ Association” (“Applicant”) for properties located at 714 and 716 Ocean Drive (“Properties”). Leslie Thomas of E.T./Thomas Construction, Inc. (“Agent”) is the agent representing the Applicant/Owners.

At the July 15<sup>th</sup>, 2024, Planning & Zoning Board meeting, the Board unanimously recommended approval for (1) the request of the Major Site Plan Amendment and (2) the installation of the swimming pool between the CCCL and the Town’s 50-foot setback west of the CCCL, subject to Department of Environmental Protection (DEP) approval.

The subject Properties are located at 714 and 716 Ocean Drive and are composed of 2 adjacent parcels located within the 700’s at Ocean Drive Planned Unit Development (“PUD”). The subject properties are currently owned by Natasha and Boris Ivanov. The Properties are zoned Residential Multiple-Family – High Density (RH) with a Future Land Use classification of Moderate Density Residential (MODR) (up to 15 DU/AC).

As part of the Major Development and Site Plan Amendment, the Applicant is requesting to modify the 700’s Ocean Drive subdivision Planned Unit Development (PUD) to go from 10 single family homes to 9 single family homes. The subject properties combined are 38,328 square feet (or  $\pm$  0.88 acres). As part of this request, the Applicant is requesting to demolish both homes and construct one new home thus combining both properties into one. The new home will be 14,738 square feet (gross building square footage).

Section 34-118 of the Town Code of Ordinance, “Minor Amendments to a previously approved site plan and appearance approval,” provides that a minor amendment to the originally approved site plan may be

approved by the Planning and Zoning Director only if the amendment adheres to the requirements within the section. Staff believes that the application does not meet items 4, 6, and 7 (see below) of the criteria required to treat the request as a minor modification:

4) There is a relocation of no more than ten percent of the total building footprint on a site. For example, if there are two buildings on a site and each has 5,000 square feet of building footprint, then the total building footprint for the site is 10,000 square feet. If one building relocates 500 square feet and the other building relocates 1,000 square feet, then the total relocation is 1,500 square feet out of 10,000 square feet, which is a relocation of 15 percent of the total building footprint. This would qualify as a major amendment under this provision.

6) There is no increase in negative impacts on adjacent properties.

7) There is no major alteration in the architectural design. Major alteration in design shall mean any change in the character of the structure. However, an amendment to a previously approved planned unit development that was not reviewed under the current appearance criteria in section 34-116(2)b may be amended in architectural design to conform with the current appearance standards and not be considered a major alteration.

Consequently, Staff is treating this application as a Major Site Plan Amendment. If, and once this request is approved by the Town Council, lots 714 and 716 Ocean Drive would be combined through a Unity of Title.

### **Project Data**

The 700's at Ocean Drive Planned Unit Development (formerly known as Ocean Plaza Planned Unit Development) was originally approved by Ordinance No. 281 adopted by the Town Council on March 13, 1985. On January 18, 1989, the Town Council adopted Ordinance No. 352 to approve an alternate development plan submitted to the Town on August 29, 1988.

The area of the lot (once combined) is +/-38,328 square feet, the proposed gross building footprint is 7,196 square feet, therefore the proposed lot coverage shall be 18.77% of the entire property which complies with the Town's Zoning Code requirements for lot coverage set forth in Section 34-368 – Building Site Area Regulations. The new home will be a two-story structure 31' 3" in height.

<b>Residential Multiple Family High Density (RH) Building Site Area Regulations</b>		
	<b>Required by the PUD</b>	<b>Applicant's proposal</b>
Maximum lot coverage	50%	<b>18.77%</b>
Building Height	Shall not exceed 40 feet above the highest point of the crown of the road along State Road AIA in front of the project site	<b>31' 3"</b>
Density	10	<b>9</b>
Front yard setback	20' to edge of street pavement	<b>23.3'</b>
Side yard setback	0' and 10'	<b>0' and 10'</b>
Rear yard setback	50 ft. west of CCCL	<b>60 ft. west of the CCCL</b>
Ocean setback	50 ft. west of CCCL	<b>60 ft. west of CCCL</b>
Landscaped Open Space	20%	<b>30.21%</b>
Minimum parking	2 spaces per dwelling unit	<b>9 spaces</b>

For the Council's review and information, Staff conducted an assessment of the residential structures within the 700's at Ocean Drive Planned Unit Development where the subject properties are located, and observed the following:



**718 Ocean Drive**





**710 Ocean Drive**



**704 Ocean Drive**





**702 Ocean Drive**

Using data from the Property Appraiser's Office, staff has created the following table summary for the Council's review:

Address	Year Built	Exterior Wall	Roof Structure	Roof Cover	Total Square Feet	Square Feet Under Air	Story
<b>702 Ocean Drive</b>	1990	STUCCO	GABLE/HIP	Concrete Tile	7,534	5,519	2
<b>704 Ocean Drive</b>	1990	CB STUCCO	GABLE/HIP	Concrete Tile	7,193	5,753	2
<b>706 Ocean Drive</b>	1993	STUCCO	GABLE/HIP	Concrete Tile	6,908	4,710	2
<b>708 Ocean Drive</b>	1993	STUCCO	GABLE/HIP	Concrete Tile	4,974	3,752	2
<b>710 Ocean Drive</b>	1993	STUCCO	GABLE/HIP	Concrete Tile	5,816	4,257	2
<b>712 Ocean Drive</b>	1993	STUCCO	GABLE/HIP	Concrete Tile	7,945	6,152	2
<b>714 Ocean Drive</b>	1994	STUCCO	GABLE/HIP	Concrete Tile	7,987	6,055	2
<b>716 Ocean Drive</b>	1993	STUCCO	GABLE/HIP	Concrete Tile	4,767	3,240	2
<b>718 Ocean Drive</b>	1995	STUCCO	GABLE/HIP	Concrete Tile	7,603	6,382	2
<b>720 Ocean Drive</b>	1996	STUCCO	GABLE/HIP	Concrete Tile	6,473	5,304	2

### **Site Plan and Appearance Review Criteria**

According to Division 4, "Site Plan And Appearance Review, " Section 34-115, "Intent and purpose," the intent of **site plan and appearance review** is: (1) to ensure the best use and the most appropriate

development and improvement of each lot in the town; (2) To protect the owners of lots to ensure that the use of surrounding lots will maintain or improve property values; (3) To ensure the erection thereon of well-designed and proportioned structures built of appropriate materials; (4) To preserve, as far as practicable the natural features and beauty of said property; (5) To obtain harmonious architectural themes; to encourage and secure the erection of attractive structures thereon, with appropriate locations thereof on lots; (6) To secure and maintain proper setbacks from streets and adequate open spaces between structures; and (7) In general, to provide adequately for a high type and quality of improvement in said property, and thereby enhance the property values and the quality of life in the town. In reviewing the Application, Staff analyzed whether the proposed site plan for development meets the following criteria:

**Site Plan Criteria:**

1. Is in conformity with the comprehensive plan and is not detrimental to the neighboring land use;

**Staff's response:** *The proposed single-family home is in conformity with the comprehensive plan and is not detrimental to the neighboring land use. There are no proposed changes in the permitted land use and location of the structure as it relates to the CCCL or Ocean setback.*

2. Has an efficient pedestrian and vehicular traffic system, including pedestrian, bicycle, and automotive linkages and proper means of ingress and egress to the streets;

**Staff's response:** *The proposed single-family home does not negatively impact the existing pedestrian and vehicular traffic system. The 700's at Ocean Drive Community has proper means of ingress and egress, and the proposed single-family home does not alter the existing community's means of ingress and egress to the streets.*

3. Has adequate provision for public services, including, but not limited to, access for police, fire and solid waste collection;

**Staff's response:** *The proposed single-family home does not negatively impact the existing adequate provision for public services, including, but not limited to, access for police, fire, and solid waste collection.*

4. Complies with the provisions of chapter 20, article III, regarding potable water, sanitary sewer, solid waste, drainage, recreation and open space, and road facilities;

**Staff's response:** *The proposed single-family home does not negatively impact the existing potable water, sanitary sewer, solid waste, drainage, recreation and open space, and road facilities;*

5. Is planned in accordance with natural characteristics of the land, including, but not limited to, slope, elevation, drainage patterns (low areas shall be used for lakes or drainage easements), natural vegetation and habitats, and unique physical features;

**Staff's response:** *The proposed single-family home does not impact the natural characteristics of the land, including, but not limited to, slope, elevation, drainage patterns (low areas shall be used for lakes or drainage easements), natural vegetation and habitats, and unique physical features. Please note that both properties are currently developed and have a single-family home located on them.*

6. Preserves environmental features and native vegetation to the maximum extent possible, and complies with the Environmentally Sensitive Lands Ordinance;

**Staff's response:** *The proposed single-family home does not negatively impact the preservation of environmental features and native vegetation to the maximum extent possible and complies with the Environmentally Sensitive Lands Ordinance. The applicant is not proposing any construction east of the CCCL.*

7. Protects estuarine areas when concerning marina siting, drainage plans, alteration of the shoreline, provisions for public access and other concerns related to water quality and habitat protection;

**Staff's response:** *The proposed single-family home does not impact the preservation of environmental features and native vegetation to the maximum extent possible and complies with the Environmentally Sensitive Lands Ordinance. Please note that FDEP must review and approved all plans for homes located east of the 1997 CCCL.*

8. Complies with all sections of this chapter.

**Staff's response:** *The proposed single-family home complies with chapter 34.*

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### **Appearance Review Criteria:**

1. Is of an architectural style representative of or reflecting the vernacular of Old Florida style which is indigenous to the town and which is commonly known and identified by its late Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20th century), or combination thereof style of architecture. Summarized briefly, common features of the vernacular of Old Florida style that identify the Victorian (Key West Cracker), and Spanish revival (Mediterranean) architectural style include wood or concrete block with stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as, but not limited to, exposed soffits, individualized vent and louver shapes, reliefs, and detailed window and door treatments; lush landscaping with private yards; and use of porches, balconies and patios. Common features of the vernacular of Old Florida Style that identify the Modern (early to mid-20th century) architectural style include clean geometric lines, often at right angles; an emphasis on function; materials such as glass, steel, iron, and concrete; and the use of natural light though large and expansive windows;

***Applicant's Response: Style:*** The style of the proposed home is keeping with the Old Florida style that consists of the Key West Cracker Coastal and Mediterranean Vernacular. The subdivision is more of the Mediterranean style, as per the original construction in the 1990s. Within the last 10 years, homes have been updating in the neighborhood to transform the style into a mixture of both Mediterranean and Key West Cracker Coastal, such as 704 Ocean Drive (pictures below). This new construction at 714-716 Ocean Drive will mimic this style and combine Mediterranean and Key West Cracker Coastal. The construction of this home will be concrete masonry block and smooth stucco. The roof construction will be simple pitched roof trusses with a barrel pink-reddish concrete tile to match the roofs of the existing 700 Ocean Drive residences in the community. The body will be a similar light crème color as 704 Ocean Drive.

The elevations consist of some Florida Vernacular design elements such as the large lantern lights, large patio spaces, balconies, lush landscaping, and louvered/paneled garage doors just as 704 Ocean Drive did to update the home around 2017. The rear will feature an abundance of glass to capture the ocean view and feeling of outdoor living. Please see picture to the right of 704 Ocean Drive, as the inspiration for the new home.



2. Is of a design and proportion which enhances and is in harmony with the area. The concept of harmony shall not imply that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, and architectural components including but not limited to porches, roof types, fenestration, entrances and stylistic expression.



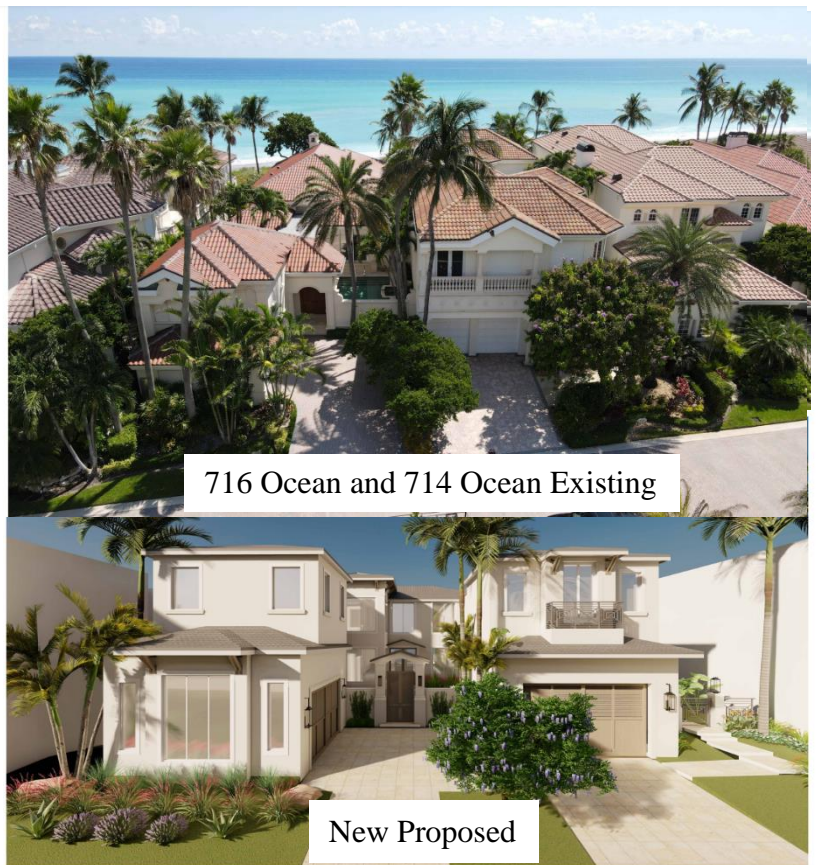
***Applicant's response: Harmony:*** The proposed home to replace 714 & 716 Ocean Drive will relate directly to the other 8 homes in the 700 Ocean Drive subdivision. All homes maintain a 20' front setback with a 10' side setback. The existing building elevation from sea level will remain the same, exceeding the requirements of FEMA + 10" by about 10 feet. We will keep the properties, garages, and main finish floor level at the same height as the existing homes. This will also allow us to maintain the max height of the structure to relate to the other 8 homes in the community, not just in design, but also in how they are perceived from the street.

We have employed design elements in the building to make this double lot home harmonious with the single lot homes on either side. In the design process, we have decided to use the existing homes garages and courtyard layouts to make the perception of the house from the street as being two separate homes. In the proposed scheme, the new residence will have two separate 2-car garages (facing different directions), and two separate courtyard entrances, with slightly different design elements to give the effect of two separate homes. One of the main elements of this redesign is to remain in harmony with the homes around it that sit on 0.4 acre lots compared to the

new 0.8 acre lot of the proposed home. The proposed design of the front elevation to emphasize an imaginary demising wall and a division in the front elevation was a key factor in approval from the subdivision 700 Ocean Drive HOA. The new proposed home will still maintain a zero-lot line application, in which the home is abutting the north lot line and maintains the 10' south easement, as the homes in the subdivision.

The materials of this home, as previously stated, will be similar to those of 704 Ocean Dr. in the 700 Ocean sub-division. The existing homes are more Mediterranean in style than the new residence which will make the switch to Florida Coastal "Cracker" style. Wood look front doors, garage doors, and courtyard gates will be utilized to soften the concrete and stucco construction. The lantern style coach lighting with ample outdoor patio space will also enhance the Florida Vernacular. Stucco window and door surrounds will also be employed to create meaningful detail to support the Florida Vernacular look and stay away from the common basic and clean line aspects of modern design.

The homes located at 700 Ocean Drive Subdivision all are on lots similar to the 0.4 acre size. The homes range from 4700sqft- 8000sqft, with a majority around 8,000 sq. ft. The new lot will be roughly 0.8 acres. In proportion to the lot size and homes currently, the home should be between 9,400- 16,000 square feet. The new proposed home is 14,738 sq. ft. Even though the home size is larger, if the 716 home were to remodeled to become an 8,000 sq. ft. home, the two lots would have about 16,000 sq. ft. total (current proposed at 14,738 sq. ft.) Therefore, the proposed, 14,738 sq. ft. home on the 38,328 sq. ft. lot, is in proportion to the other homes. However, to keep the



**Bulk/Mass/Scale in visible proportion to the other homes in the neighborhood, the design of the new home is structured in a way to create the illusion of two separate homes, with two driveways, two entrance courtyards, two separate (different direction) garages. The idea is to keep the similar look from the street to maintain the appearance consistent to the current homes in relation to the size, scale, and bulk of the home, which helps create the harmony within the community. In addition to this, the footprint of the under air and garages of the existing homes are 3,774 sq. ft. (714 Ocean) and 3,378 sq. ft. (716 Ocean), combined that is 7,152 sq. ft. The new proposed structure's footprint is 7,196 sq. ft. The new footprint of the proposed home is slightly less than the existing footprint. This is also attributed to the fact that the coastal construction line is now further West, which we have abided by in the new design plans.**

3. Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or shall incorporate the elements of the architectural style of the structure; rooftop equipment and elevator and mechanical penthouse protrusions shall be concealed; and parking garages and other accessory structures shall be designed with architectural features and treatments so that they are well proportioned and balanced and in keeping with the architectural style of the principal structure;

***Applicant's response: Modern Operations:*** The residences stairwell will become an architectural element. It is to be clad in similar windows as the rest of the front elevation. It will also have an entablature detail with wood look (completed out of stucco for quality and longevity), and out lookers to tie it back into the Key West Cracker style. In-keeping with all other 8 homes in the community, it too will have an atrium glass skylight to allow light into the stairwell. The elevator shaft will be hidden inside of the residence with no visible shaft from the exterior.

4. Shall have all on-site structures and accessory features (such as, but not limited to, light fixtures, benches, litter containers, including recycling bins, traffic and other signs, letter boxes, and bike racks) compatible in design, materials, and color;

***Applicant's response: Accessory structures:*** Any accessory features, such as light fixtures, will comply with the FDEP and will be a similar design as the neighboring single-family homes, especially 704 Ocean Drive. The pool, fireplace and outdoor bbq areas will as well be similar in design to the existing and the neighboring single-family homes.

5. Shall have a design in which buildings over 40 feet in height shall appear more horizontal or nondirectional in proportion rather than vertical, accomplished by the use of architectural treatments as described in these criteria;

***Applicant's response: Buildings over 40 feet in height:*** Does not apply. The max building height will remain similar to the structures on either side at 30' above finish floor level.

6. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized;

***Applicant's response: Mechanical Equipment:*** All mechanical equipment (AC and pool equipment) will be located on the south side of the property in the 10' utility easement setback provided. It will be screened with a site wall for protection from the ocean salt air, and landscaping. It is completely out of view from any neighbors. Please note that this is the existing location, and is the same location as the other homes in the community.

7. Complies with the town's community appearance standards (see article IV, division 14 of this chapter).

***Applicant's response: Towns Appearance standards: Complies with the Town's appearance standards.***

### **Installation of a Swimming Pool**

Due to the location of the proposed swimming pool, a Florida Department of Environmental Protection (DEP) Coastal Construction Control Line Permit must be obtained. Section 34-1125(a)(2) of the Town's Zoning Code states that structures, other than minor structures, located between the CCCL and the Town's 50-foot setback west of the CCCL shall require review by the Planning and Zoning Board and approval by the Town Council. Such review and approval shall include a balance between the intent of this division with other goals, objectives, and policies of the comprehensive development plan, such as, but not limited to, decreasing densities in the coastal area. (Note: all references to the Coastal Construction Control Line (CCCL) refer to that line which was established in 1979 and do not pertain to the revised line, established in August 1997.)"

Division 8, "Coastal Regulations," of Article IV, "Supplemental Regulations," of the Zoning Code states that "[i]t is the intent of this division to maintain and protect the vegetation and structural quality of the coastal dune as it occurs in the town and to protect rare, endangered, and threatened plant and animal species located along the coast in the town. In addition to the applicable requirements of F.S. ch. 161, and where the town has jurisdiction, the regulations set forth in this division shall be followed."

The site plan provided to Staff proposes a new swimming pool to be located between the CCCL and the Town's 50-foot setback west of the CCCL. Both existing properties have a swimming pool, with 714 Ocean Drive having its pool located in the same vicinity as the new proposed pool. The location of the swimming pool meets the Juno Beach swimming pool setback regulations.

The Town Council's review shall include an examination of the balance between the intent of division 8 with other goals, objectives, and policies of the comprehensive development plan, such as, but not limited to, decreasing densities in the coastal area.

From the Coastal Management Element of the Town's Comprehensive Development Plan, Staff has identified Policy 1.1, Policy 1.3, and Policy 3.2 to have a direct relation with decreasing density in coastal areas. Please see below the policies (*italicized*) and staff's response (**in bold**).

*Policy 1.1: Prohibit development and redevelopment in the coastal area that will adversely impact the beach, dune system, mangroves, the estuarine environment, Pelican Lake, and other natural resources such as marine and wildlife habitats.*

**Due to the location of the proposed swimming pool (west of the 1979 CCCL), the expansion of the swimming pool will not impact the beach, dune system, mangroves, the estuarine environment, Pelican Lake, and other natural resources such as marine and wildlife habitats (See Site Plan).**



*Policy 1.3: Preserve unique, physical features in future development and redevelopment of the coastal area in Juno Beach.*

**Due to the location of the proposed swimming pool, staff is confident that the unique and physical features of the coastal area of Juno Beach will not be impacted by this request.**

*Policy 3.2: Prohibit alteration to the beach area and dune system in future development and redevelopment that are in violation of the CCCL established by the State or local regulations, unless it provides necessary access to coastal resources, abates serious and significant beach erosion and does not significantly impact dune stabilization or marine and wildlife habitats.*

**Finally, in addition to meeting the Juno Beach Swimming Pool regulations, and the limitations between the CCCL and the town's 50-foot setback west of the CCCL – limitations on structures regulations, the Applicant will also be required to submit an approved DEP permit with their Juno Beach Building Permit application. The Department of Environmental Protection will ensure that all state-mandated regulations will be met.**

### **Conclusion**

**Staff concludes that in consideration of the proposed amendment to the previously approved Site Plan/PUD, the building site area regulations are satisfied.**

However, in consideration of the term “harmony” staff believes that the proposed single-family home is not harmonious in selected aspects of the definition (please see below). *Harmony* means a quality which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning landscaping, materials and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.

*Bulk* means the overall size and volume of a building or structure.

**Staff's response: The structure on 714 Ocean Drive is 7,987 total gross sq. ft., the lot size is 19,432 sq. ft. with a ratio of 41.1%. The structure on 716 Ocean Drive is 4,767 total gross sq. ft., the lot size is 18,896 sq. ft. with a ratio of 25.2%. The new proposed home is 14,738 total gross sq. ft. and the combined lot size is 38,328 sq. ft. with a ratio of 38.45%. The size and volume of the proposed single-family home is compatible with the newly increased lot size.**

*Mass* means the relationship and sizes between different volumes of a building or structure.

**Staff's response: The total gross square footage for the other structures in the 700's at Ocean Drive ranges between 4,974 sq. ft. and 7,945 sq. ft., the proposed structure is 14,738 total gross sq. ft. The mass of the proposed single-family home is not compatible in the context of the other structures located within the Planned Unit Development**

*Proportion* means the visual effect of relationship of one portion to another or of a portion to the whole. or of one thing to another.

**Staff's response: The proportion (ratio) of the elements such as windows, doors, and garages are compatible with the façade (size) of the building.**

*Scale* means the proportions of a building in relation to its surroundings, particular other buildings in the surrounding context.

**Staff's response: The scale of the proposed single-family home (proportion) is not compatible with the adjacent properties, specifically the width of the structure.**

**RECOMMENDATION:**

Staff recommends that the Town Council review the request for the Major Site Plan Amendment and the installation of the swimming pool between the CCCL and the Town's 50-foot setback west of the CCCL along with the information that has been provided, and consider approval, denial, or approval with modifications.