



Northlake Promenade Apartments

Variance Application

Justification Statement

April 9, 2024

INTRODUCTION

Northlake Promenade Shoppes, LLC, owner, and applicant is seeking a variance for the project known as “Northlake Promenade Apartments.” The project proposes a 279-unit residential project along with public open space and upgraded landscape and hardscape, integrated with existing retail. As discussed more fully in the application for site plan approval, the project was designed based on the Town’s vision for the property and according to the regulations set forth by the Town’s C-3 zoning district.

REQUEST

The Applicant, in partnership with AvalonBay Communities, is seeking approval for a variance on the subject property to enable the development of a transformative rental project. The request is warranted due to the unique constraints posed by existing infrastructure, specifically the presence of Florida Power & Light easements, which restrict compliance with the specified setback requirement. The specific provision from which the applicant is requesting relief is: Sec. 78-73 (e) Performance Standards. b. A minimum of 60 percent of a building frontage shall abut any other street setback. The building’s setback from the eastern property line is 137.2 feet, just beyond the area that cannot be built upon due to the easements.

An underground utility survey confirmed the presence of infrastructure in place within the easements. A review with representatives from FPL has determined that relocating the lines in order to abandon the easements is not economically feasible. Notably, this infrastructure serves as a critical power feeder, supplying electricity from the Lake Park substation to various neighborhoods to the north and east, including Lost Tree, Singer Island, neighborhoods across the Earman Canal, and extending all the way to PGA Boulevard.

Despite the challenge presented by the easements, the proposed project is designed to enrich the local community by introducing high-quality residential units, enhancing existing retail spaces, and fostering pedestrian-friendly amenities. The inclusion of on-street parking, open green spaces, and a variety of unit sizes aims to create a dynamic and inclusive urban environment that aligns with the broader goals of the Comprehensive Plan and demonstrates sustainable development practice within the Twin Cities area.

In addition to addressing the immediate needs of the site, the requested variance will facilitate the realization of this mixed-use environment, that enhances the overall livability and economic vitality of the district. As such, we believe that granting the variance is not only warranted but essential in achieving our shared vision for a thriving and connected urban landscape.

VARIANCE CRITERIA

Special Conditions:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

RESPONSE: Any proposed building on this particular parcel would be unable to meet the requirement set forth by the C-3 code, for 60% of a building's frontage to abut the minimum setback line on the east. This is due to the existence of the FPL easements in which infrastructure is already in place..

Actions of Applicant:

That the special conditions and circumstances do not result from the actions of the applicant.

RESPONSE: The FPL easement and infrastructure have been in place for decades, prior to the owner's acquisition of the property and prior to the adoption of the C-3 Code.

Special Privilege:

That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Regulations to other lands, buildings, or structures in the same zoning district.

RESPONSE: Granting the requested variance due to the presence of the unalterable easements does not confer a special privilege, as it simply enables compliance with zoning regulations and intent of the code, under circumstances beyond the applicant's control. Allowing the variance maintains parity with the treatment of other properties facing similar constraints within the same zoning district. Any other property facing comparable constraints would have the opportunity to seek similar relief through the variance process.

Literal Interpretation:

That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

RESPONSE: Strict adherence to the provision from which we are seeking relief would impose undue hardship on the applicant, given that the presence of the easements prevents the proposed building from meeting the specified requirement. Furthermore, granting the variance allows the applicant to exercise rights granted to other properties in the same district, to develop quality form and function by facilitating the proximity and connectivity between uses, enhancing the overall livability of the area.

Minimum Variance:

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

RESPONSE: The variance sought is the minimum necessary to enable the optimal use of the land to meet the intent and literal interpretation of all other C-3 Zoning district regulations.

Public Interest/Harmony with Code:

That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations of the Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

RESPONSE: Granting the requested variance will align with the overarching intent and objectives of the land development regulations outlined in the Code. The variance will not result in any harm to the surrounding area nor pose any detriment to public welfare.

Harmony with Comprehensive Plan:

That the variance would not be contrary to the comprehensive plan of the Town.

RESPONSE: Granting the variance would ensure consistency with the long-term vision for development and facilitate development within the C-3 district, ensuring compatibility between the proposed project and the broader planning framework for the Twin Cities area.

CONCLUSION

We respectfully urge the Planning and Zoning Board to grant the variance request as it plays a vital role in facilitating the development of the subject site in alignment with the vision for the C-3 zoning district. The approval of the requested variance is essential for realizing the objectives outlined in the district regulations and comprehensive plan, given the unique challenges posed by the site's existing conditions. Working closely with design professionals, the applicant has diligently planned the site to ensure seamless integration with the street layout while avoiding any potential conflicts with the FPL easements.