## Village of Royal Palm Beach Village Council Agenda Item Summary

### Agenda Item:

PUBLIC HEARING TO CONSIDER LANDSCAPE WAIVER APPLICATION NO. 23-128 (LW) AND APPROVAL OF ORDER LW-23-05, AN APPLICATION BY COTLEUR & HEARING, ON BEHALF OF ANDRADE ASSOCIATES LIMITED PARTNERSHIP FOR CONSIDERATION OF TWO (2) LANDSCAPE WAIVERS FROM SEC. 15-131(B)(1) TO ALLOW FOR A 10-FOOT LANDSCAPE BUFFER ALONG THE WEST PROPERTY LINE WHERE VILLAGE CODE REQUIRES 25 FEET, AND TO ALLOW FOR AN 11.5-FOOT LANDSCAPE BUFFER ALONG THE SOUTH PROPERTY LINE WHERE VILLAGE CODE REQUIRES 25 FEET, FOR A PROPERTY LOCATED AT 1301 ROYAL PALM BEACH BOULEVARD; BY AGENT: DONALDSON HEARING, OF COTLEUR & HEARING.

### Issue:

The Applicant Cotleur & Hearing, on behalf of Andrade Associates Limited Partnership, is requesting Landscape Waivers Approval for two (2) landscape waivers as follows with the Applicant's justification and Staff's recommendation for each waiver:

### Waiver #1:

Waiver from Sec. 15-131(b)(1) to allow for a 10-foot landscape buffer along the west property line where Village Code requires 25 feet, a waiver to reduce the required buffer width by 15 feet. This buffer will contain all required landscape materials. Please refer to **Attachment A** for an illustration showing the location of the west property line buffer.

The Applicant Contends: "The location subject to this waiver is located on the western side of the property, abutting a portion of land on the adjacent property where construction is not feasible. Therefore, a reduction in the landscape buffer for the associated area will not disrupt the adjacent residential property as it will not connect to a residential parcel/unit and will not disrupt access to the western development".

<u>Staff Recommendation</u>: Staff is recommending Approval of requested Waiver #1 and generally concurs with the Applicant's assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

Initiator: Village Manager Agenda Date Village Council

Director of P&Z Approval 4-18-2024 Action

### Waiver #2:

Waiver from Sec. 15-131(b)(1) to allow for an 11.5-foot landscape buffer along the south property line where Village Code requires 25 feet, a waiver to reduce the required buffer width by 13.5 feet. Please refer to **Attachment B** for an illustration showing the location of the south property line buffer.

<u>The Applicant Contends</u>: "The location subject to this waiver is the southern landscape buffer which abuts the driveway entrance to the plaza. The necessity for this waiver is in response to the western property owner's acquisition of the driveway, therefore it is now considered residential property. Strict adherence to the mentioned code requirement is neither feasible nor logical".

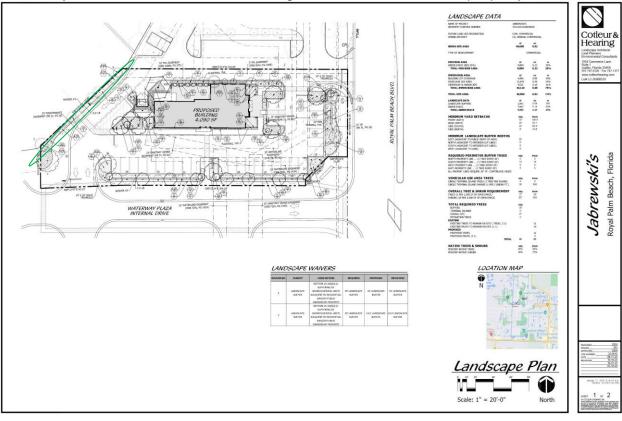
<u>Staff Recommendation</u>: Staff is recommending Approval of requested Waiver #2 and generally concurs with the Applicant's assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

### **Recommended Action:**

Staff is recommending Approval of Application No. 23-128 (LW) and Order LW-23-05.

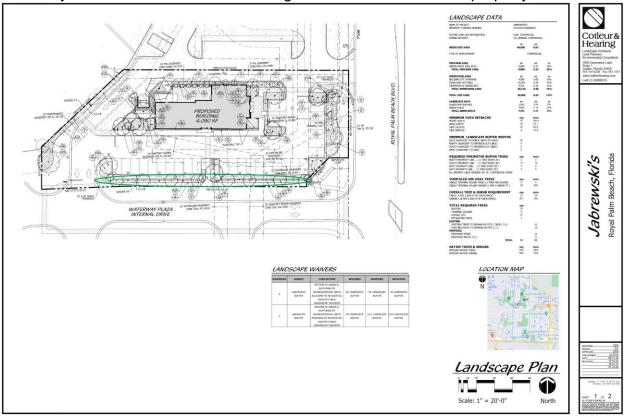
### Attachment A Waiver #1

Directly below is an illustration showing the location of the west property line buffer.



### Attachment A Waiver #2

Directly below is an illustration showing the location of the south property line buffer.



### ORDER OF THE VILLAGE COUNCIL VILLAGE OF ROYAL PALM BEACH

### Chapter 15. Landscape Waiver

**CASE NO. LW-23-05** 

IN RE: Application No. 23-128(LW) - Jabrewski's @ Waterway Plaza

### Legal Description:

Attached as Exhibit "A"

#### ORDER APPROVING APPLICATION

This cause came to be heard upon the above application and the Royal Palm Beach Village Council having considered the evidence presented by the applicant and other interested persons at a hearing called and properly noticed on April 18, 2024, and the Royal Palm Beach Village Council being otherwise advised.

**THEREUPON,** the Village Council of the Village of Royal Palm Beach finds as follows:

- 1. The property which is the subject of said application is classified and zoned within the General Commercial (CG) District by the Zoning Code of the Village of Royal Palm Beach and the zoning map made a part thereof by reference.
- 2. The applicant is seeking landscape waivers from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-133 (b) (1) to allow for a 10-foot landscape buffer along the west property line where Village Code requires 25 feet, a waiver of 15 feet, and to allow for an 11.5-foot landscape buffer along the south property line where Village Code requires 25 feet, a waiver of 13.5 feet.
- 3. Under the provisions of Sec. 15-37 of the Village Code of Ordinances, the Village Council has the right, power and authority to act upon the application herein made.

- 4. In accordance with the requirement of Section 15-37 to specify the duration of the waiver, the Village Council holds that this grant of Landscape Waiver shall continue as long as the Project exists on this site.
- 5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:

The application in connection with **Landscape Waiver Order**, **LW-23-05**, with reference to the Jabrewski's @ Waterway Plaza project in the Village of Royal Palm Beach, Florida is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

The applicant meets the landscape objectives as allowed by Section 15-37 of the Village Code of Ordinances.

Done and ordered this 18th day of April, 2024.

	Mayor Fred Pinto Village of Royal Palm Beach
Attest:	
Diane DiSanto, Village Clerk	

# Exhibit A Legal Description Jabrewski's @ Waterway Plaza Application No. 23-128 (LW) LW-23-05

### LEGAL DESCRIPTION:

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WATERWAY PLAZA LEGAL DESCRIPTION OF SOUTHERLY 40000 SQUARE FOOT PARCEL

A PARCEL OF LAND LYING IN TRACT "C", WATERWAY PLAZA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "C"; SAID NORTHEAST CORNER SITUATE ON THE WEST RIGHT OF WAY LINE OF ROYAL PALM BEACH BOULEVARD; THENCE, SOUTH 01°36'46" WEST, ALONG THE EAST LINE OF SAID TRACT "C" AND ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 215.91 FEET TO THE POINT OF BEGINNING (P.O.B.);

THENCE, CONTINUE SOUTH 01°36'46" WEST, ALONG THE EAST LINE OF SAID TRACT "C" AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 98.27 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING THE EAST LINE OF SAID TRACT "C" AND SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 21.89 FEET; THENCE, SOUTH 46°36'46" WEST, A DISTANCE OF 35.36 FEET; THENCE, SOUTH 01°36'46" WEST, A DISTANCE OF 7.48 FEET; THENCE, NORTH 88°23'14" WEST, A DISTANCE OF 204.10 FEET; THENCE, SOUTH 89°17'57" WEST, A DISTANCE OF 93.13 FEET; THENCE, NORTH 01°36'46" EAST, A DISTANCE OF 47.88 FEET TP THE INTERSECTION THEREOF WITH THE NORTHERLY BOUNDARY LINE OF SAID TRACT "C"; THENCE, NORTH 48°04'54" EAST, ALONG SID NORTHLY BOUNDARY LINE, A DISTANCE OF 124.80 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID BOUNDARY LINE, A DISTANCE OF 252.84 FEET TO THE POINT OF BEGINNING.

CONTAING: 40,000 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTIRCTIONS, RESERVATIONS, AND RIGHTS OF WAY RECORD.