

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 21-115 (PVAR), AN APPLICATION BY KIMLEY-HORN & ASSOCIATES, TO ALLOW A VARIANCE FROM VILLAGE CODE SECTION 23-49 (B)(18)B. TO ELIMINATE A PORTION OF THE REQUIRED BYPASS LANE ALONG THE ONE-WAY ACCESS TO THE DRIVE-THROUGH ON THE NORTH AND WEST SIDES WHERE VILLAGE CODE REQUIRES A CONTINUOUS 10 FOOT BYPASS LANE, FOR A PROPERTY LOCATED AT 11001 SOUTHERN BOULEVARD WITHIN THE SOUTHERN PALM CROSSING SHOPPING CENTER; BY AGENT MARK RICKARDS.**

**Issue:**

The Applicant is requesting a parking variance from the Village’s Code of Ordinances Section 23-49(B)(18)b. that requires that a bypass lane, measuring a minimum of ten feet wide, be provided. The bypass lane shall be clearly designated and distinct from the queuing area and shall run the length of the queuing lane. In lieu of the required bypass lane, the Applicant is proposing two (2) points of egress from the queuing lane to exit the drive-through lane, the first adjacent to the menu board and the second along the west side of the building where the pick-up window is located. Please refer to **Attachment A** for an illustration of the Site Plan showing the configuration of the bypass lane. The variance request is being made in conjunction with a Site Plan Modification, Special Exception, and Architectural Approval request in order to allow the redevelopment of an existing 4,000 square foot “Financial institution with drive-through” into a “Restaurant with drive-through”.

The Applicant contends that *“A full bypass lane is provided for the eastern side of the building / entry to the queue, with a break in the curb to allow for a customer to exit at the northern apex of the queue. There is then a break until the re-emergence of the escape lane at the earliest physically possible point on the western side of the building”*.

It is also stated in the justification statement that *“the general intent of the requirement for a bypass lane is to provide an option for vehicular customers to change their mind, which allows for fewer cars in queue in those circumstances. The proposed site plan meets the intent by providing enhanced queuing. Further, the bypass lane as designed allows the most opportunity to exit prior to placing an order, which is the most likely scenario for utilizing the lane. A continuous bypass lane is provided on the east side of the building*

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*leading up to the ordering menu. This is mirrored on the west side. Every effort has been made to provide opportunities to leave the drive through lane if so desired, to the greatest extent possible, which is in harmony with the general intent of the provision”.*

Village Code Sec. 23-53 (a) (1) allows the Village Council to grant variances to the parking code when:

- 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 subject to similar requirements;
- The special conditions and circumstances do not result from the actions of the applicant;
- Granting the variance request will not confer on the applicant any special privileges that are denied by this Code to other lands, buildings or structures similarly situated;
- A literal interpretation of the provisions in this Code would deprive the applicant of rights commonly enjoyed by other properties similarly situated under the terms of this Code and would work unnecessary and undue hardship on the applicant;
- The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- The grant of the variance will be in harmony with the general intent and purpose of this division; and
- Such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.

Village Staff generally agrees with the Applicant that the proposed design meets the intent of the requirement to its furthest extent possible without negatively impacting the existing development and that the granting of this variance will not confer on the Applicant any special privileges and the variance request is the minimum variance that makes possible the reasonable use of the land. Therefore, Staff is recommending approval of this Application.

The Planning and Zoning Commission considered the application on April 26, 2022, and recommended approval by a vote of 5-0.

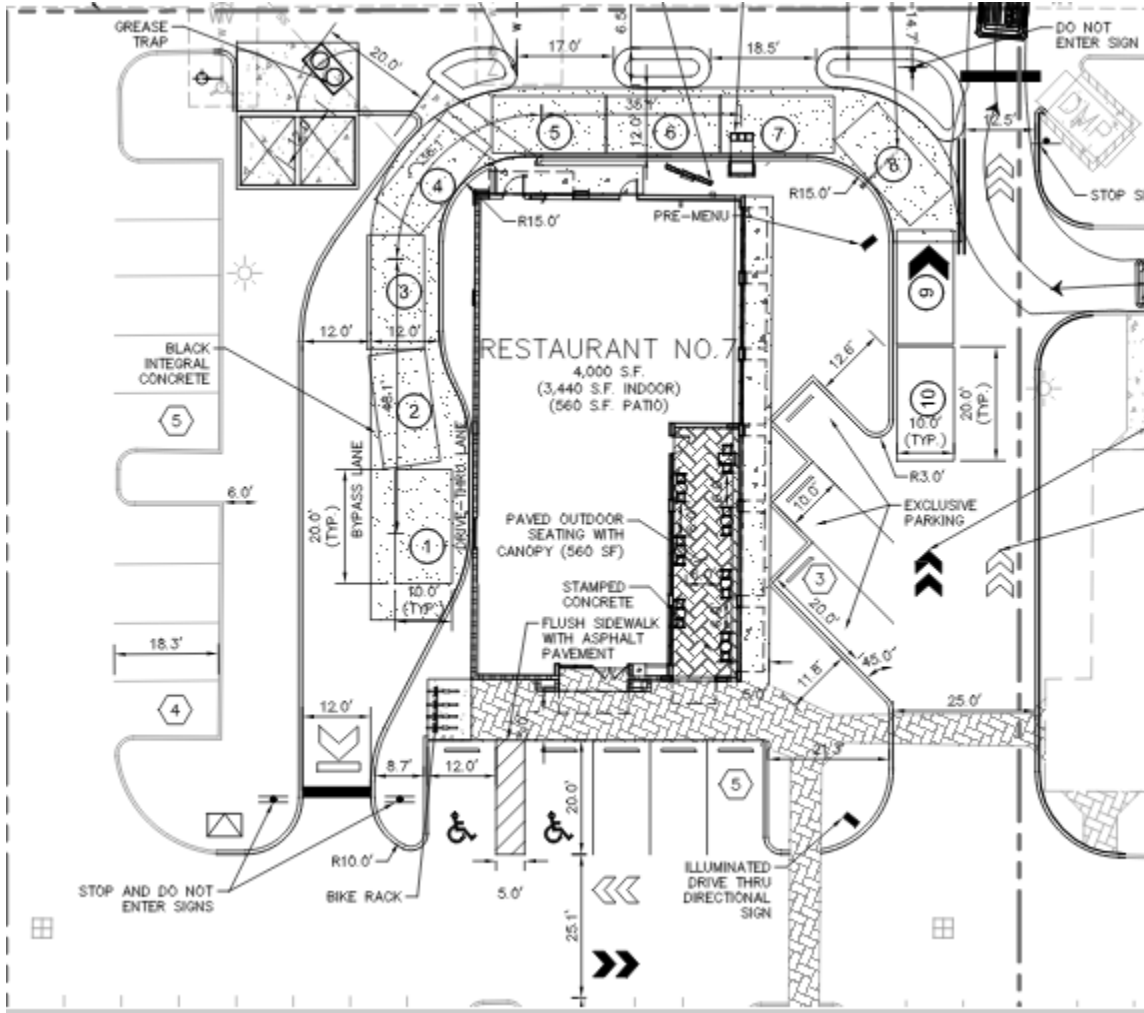
**Recommended Action:**

Staff is recommending Approval of Application 21-115 (PVAR) and Variance Order VC-22-02.

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**Attachment A**  
**Starbucks @ Southern Palm Crossing**  
**Application No. 21-115 (PVAR)**

Directly below is an illustration of the site and proposed bypass lane with requested variance.



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**ORDER OF THE VILLAGE COUNCIL  
VILLAGE OF ROYAL PALM BEACH  
Chapter 23. Traffic and Vehicles**

**CASE NO. VC-22-02  
IN RE: Application No. 21-115(PVAR)  
Starbucks @ Southern Palm Crossing**

**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, 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) Zoning 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 a **Variance** from Royal Palm Beach Code of Ordinances at the following section: Sec. 23-49 (B) (18) b. in order to eliminate a portion of the required bypass lane along the one way access to the drive-through on the north and west sides where Village Code requires a continuous ten (10) bypass lane.
3. Under the provisions of Sec. 23-53(a)(1) of the Village Code of Ordinances, the Village Council has the right, power and authority to act upon the application herein made.
4. In the judgment of the Village Council, the public welfare will best be served by **APPROVING** the application.
5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:
6. The application for **Variance, VC-22-02**, with reference to the above-mentioned property in the Village of Royal Palm Beach, Florida to permit variance to the following Code Section:  
Sec. 23-49 (B) (18) b. in order to eliminate a portion of the required bypass lane along the one way access to the drive-through on the north and west sides where Village Code requires a continuous ten (10) bypass lane is

hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

**The applicant meets the following standards set forth in Section 23-53 (a) (1). of the Village Code of Ordinances.**

1. Special conditions and circumstances exist;
2. Special Circumstances are not the result of actions of the applicant;
3. No special privilege is conferred;
4. Literal interpretation would constitute an unnecessary and undue hardship;
5. This is minimum variance for reasonable use of land;
6. Is in harmony with the intent and purpose of this division; and:
7. Will not be injurious to area or detrimental to the public welfare.

**Done and ordered this 19th day of May, 2022.**

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Mayor Fred Pinto  
Village of Royal Palm Beach

Attest:

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Diane DiSanto, Village Clerk

**Exhibit A**  
**Legal Description**  
**Application No. 21-115(PVAR)**  
**Starbucks @ Southern Palm Crossing**

LEGAL DESCRIPTION:

LEGAL DESCRIPTION

That certain land situated in the County of Palm Beach, State of Florida, and described as follows:

Tract A of Southern Palm Crossing, according to the Plat thereof as recorded in Plat Book 107, Pages 185 through 188, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the following parcel conveyed to the State of Florida Department of Transportation by the deed recorded in Official Records Book 23291, Page 1637, of the Public Records of Palm Beach County, Florida:

A portion of Tract "A", Southern Palm Crossing, according to the Plat thereof as recorded in Plat Book 107, Pages 185 through 188, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Tract "A"; thence South 88 degrees 17 minutes 03 seconds East, along the South line of said Tract "A", a distance of 270.02 feet to the Point of Beginning of herein described parcel of land; thence North 46 degrees 34 minutes 56 seconds East, a distance of 12.79 feet; thence South 88 degrees 25 minutes 04 seconds East, a distance of 351.98 feet; thence South 73 degrees 50 minutes 36 seconds East, a distance of 36.00 feet to a point on the South line of said Tract "A"; thence North 88 degrees 27 minutes 53 seconds West, along said South line, a distance of 287.82 feet; thence continue along said South line, North 88 degrees 17 minutes 03 seconds West, a distance of 108.05 feet to the Point of Beginning.

Bearings shown hereon are based on the West line of said Plat, said line bearing North 01 degrees 19 minutes 16 seconds East and all other bearings being relative thereto.