

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 22-12 (LW), AN APPLICATION BY JMORTON PLANNING AND LANDSCAPING ARCHITECTURE, FOR THE CONSIDERATION OF LANDSCAPE WAIVERS FROM VILLAGE CODE SECTION 15-131 (B)(2) TO ALLOW THE ELIMINATION OF THE REQUIRED THREE (3) FOOT HIGH BERM WITHIN THE SOUTH PERIMETER BUFFER, AND FROM VILLAGE CODE SECTION 15-131 (C)(3) TO ALLOW TREES TO BE LOCATED A MINIMUM OF 54 FEET ON CENTER NEAR UTILITY EASEMENTS, WHERE A MINIMUM OF 20 FEET ON CENTER IS REQUIRED, FOR A PROPERTY LOCATED AT 11925 & 11931 SOUTHERN BOULEVARD SITUATED WITHIN THE CYPRESS KEY TOWN CENTRE DEVELOPMENT. BY JENNIFER MORTON.

The Applicant is requesting a Landscape Waiver from Village Code Sec. 15-131 (b)(2), *Buffering of nonresidential uses adjacent to roadway*. This Code section requires that the landscape screen be situated on a berm, preferably undulating, no less than three (3) feet in height with a maximum slope of a ratio of three to one (3:1). The Applicant is requesting approval to eliminate the berm requirement within the south perimeter buffer.

The Applicant contends that *“a berm already exists within the landscape buffer along Southern Boulevard. Two berms within the same buffer will have negative impacts on drainage for the site as the area between the berms becomes a space where water will pool and remain stagnant. Stagnant water often breeds nuisances such as mosquitos. The existing landscape berm will not be impacted by the proposed waiver”*.

A Landscape Waiver from Village Code Sec. 15-131 (c)(3), *Buffering of nonresidential uses adjacent to a roadway*, is also requested. This Code section requires that the trees within the required continuous landscape screen be located a minimum of 20 feet on center. The waiver request is to allow two sets of two trees adjacent to Southern Boulevard to be located more than 20 feet on center from each other: one set of two (2) trees is proposed to be located 54 feet on center from each other and another set of two (2) trees is proposed to be located 34 feet on center from each other.

The Applicant contends that *“this waiver is necessary to accommodate a utility easement and a pedestrian pathway that are connecting to exiting utilities and pedestrian pathway along Southern Boulevard. The maximum spacing between trees is proposed to be 54 feet to accommodate a utility easement that will bring water and sewer from existing lines along Southern Boulevard into the project. Trees are not proposed to be located within utility easements or in close proximity to underground utilities as the tree roots may cause damage to the infrastructure, or in extreme cases, become a user safety hazard. Canopy*

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trees are provided at appropriate intervals along the entirety of the south buffer except where the conflicts exist. It is important to note that canopy trees cannot survive or thrive when located too close to one another as the canopy spread and root structure cannot be appropriately accommodated. A solid tree canopy is being proposed”.

Staff is recommending Approval of the requested Landscape Waivers and generally concurs with the Applicant’s assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property. Please refer to **Attachment A** for an illustration of the subject locations associated with the landscape waiver request.

The Planning and Zoning Commission considered the application on May 24, 2022, and recommended approval by a vote of 4-0.

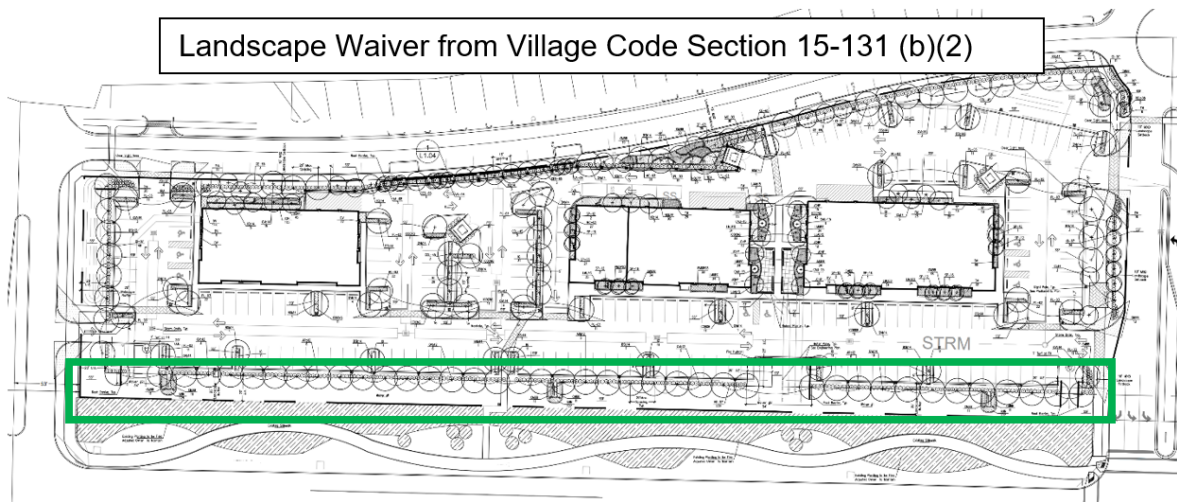
Recommended Action:

Staff is recommending Approval of Application No. 22-12 (LW) and Landscape Waiver No. 22-03.

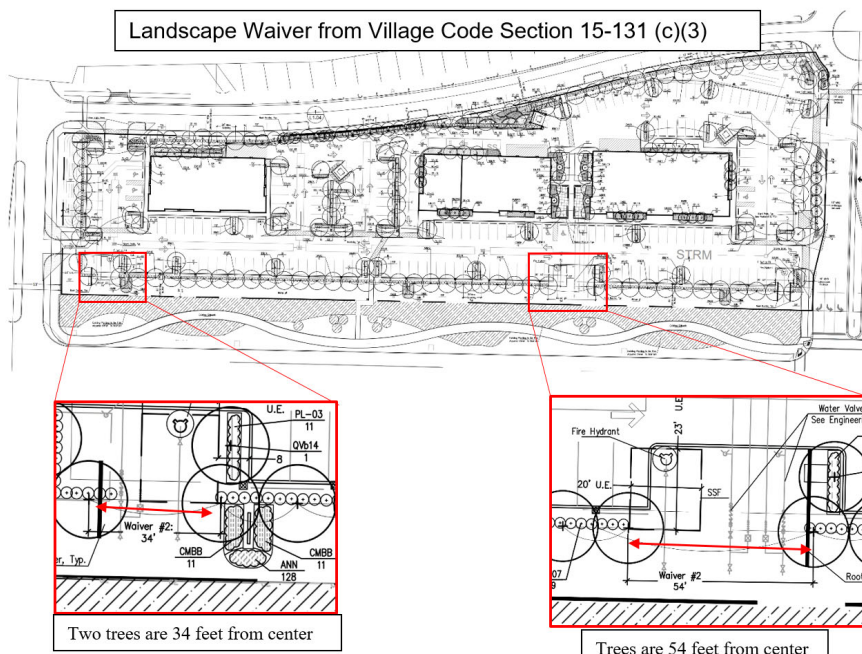
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Attachment A

Directly below are illustrations of the locations associated with each waiver request.



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**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF ROYAL PALM BEACH
Chapter 15. Landscape Waiver**

CASE NO. LW-22-03

**IN RE: Application No. 22-12(LW) – Cypress Key Town Centre –
West Commercial Parcel**

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 June 16, 2022, 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 MXD Mixed Use Development 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 landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-131 (b)(2) to allow the elimination of the required three (3) foot high berm within the south perimeter buffer, and at Sec. 15-131 (c)(3) to allow trees to be located a minimum of 54 feet on center near utility easements, where a minimum of 20 feet on center is required.
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-22-03**, with reference to the Cypress Key Town Centre – West Commercial Parcel 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 16th day of June, 2022.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Cypress Key Town Centre – West Commercial Parcel
Application No. 22-12 (LW)
LW-22-03

LEGAL DESCRIPTION:

TRACTS A AND B "CYPRESS KEY TOWN CENTRE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126 AT PAGES 179 THROUGH 182 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 4.161 ACRES, MORE OR LESS.