

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 22-128 (PVAR), AN APPLICATION BY INVESTMENT EQUITY GROUP III, LLC, TO ALLOW A PARKING VARIANCE FROM VILLAGE CODE SEC. 23-51(2) Q. TO ALLOW FOR 17 PARKING SPACES WHERE VILLAGE CODE REQUIRES 42 PARKING SPACES, A VARIANCE OF 25 PARKING SPACES, FOR A PROPERTY LOCATED AT 11710 OKEECHOBEE BOULEVARD WITHIN THE VILLAGE CENTER; BY AGENT BRIAN TERRY.

Issue:

The Applicant is requesting a parking variance from the Village's Code of Ordinances Sec. 23-51 (2) q. to allow for 17 parking spaces where Village Code requires 42 parking spaces, a variance of 25 parking spaces. Sec. 23-51 (2) q. requires a minimum of one (1) space per seventy (75) square feet of gross floor area, plus one (1) space per employee on maximum work shift, be provided for a "Restaurant with drive-through". Please refer to **Attachment A** for an illustration of the Site Plan showing the provided parking spaces. The variance request is being made in conjunction with a Site Plan Modification, Special Exception, Landscape Waiver and Architectural Approval request in order to allow the development of a "Restaurant with drive-through" within Village Center located at the southwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard.

It is important to note that on March 19, 2020 Village Council approved a Variance Order VC 20-02 in order to reduce the number of required parking spaces from the required 149 parking spaces to 143 parking spaces for Village Center, resulting in a variance of 6 parking spaces. This allowed the entire existing 22,170 square foot, two (2) story building to be used for Medical Offices purposes. The existing two (2) story building was originally Site Planned for 50% professional office and 50% medical office use. Combined with the previously approved parking variance and the current request would result in a parking deficit of 31 parking spaces of the Village Code required 175 parking spaced.

The Applicant contends that "the parking variance request is specific to the use proposed on Parcel 3 only and has no impact on the medical office building on Parcel 1 or the future Bank site on Parcel 2, even though all parking is shared across all uses within the Village Center PCD".

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P&Z Director	Denial	3-16-2023	Action

It is also stated in the justification statement that “the opportunity to “share” parking across the property creates a unique circumstance. The uses developed and proposed within the Village Center are complimentary in that they have alternating peak demand times that allows for the most efficient use of the parking spaces provided on-site. Additionally, Urban Land Institute (ULI) provides data for shared parking conditions similar to this site. Information from ULI has been utilized to explain the relationships of the total site parking demand at peak times which justifies the parking reduction requested”.

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.

Based on the information provided, Village Staff does not support the variance request as the granting of the variance would confer special privileges denied to other residents in similar circumstances, no special conditions and circumstances are applicable to the subject property, and the request is needed due to actions of the applicant as it relates to the proposed “Restaurant with drive-through”.

The Planning and Zoning Commission considered this application on February 28, 2023 and recommended Approval by a vote of 4-0, with the condition that the Applicant work with staff to reduce the requested parking variance by eliminating the outdoor seating area, dumpster, and landscaping areas.

Recommended Action:

Staff is recommending Denial of Application No. 22-128 (PVAR) and Variance Order VC-23-02.

Initiator:	Village Manager	Agenda Date	Village Council
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**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF ROYAL PALM BEACH
Chapter 23. Traffic and Vehicles**

**CASE NO. VC-23-02
IN RE: Application No. 22-128(PVAR)
Starbucks @ Village Center**

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 CG—General Commercial 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 sections: Sec. 23-51(2)q. to allow only 17 parking spaces where Village Code requires 42 parking spaces, for a variance of 25 parking spaces.
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-23-02**, with reference to the above-mentioned property in the Village of Royal Palm Beach, Florida to permit variances to the following Code Sections:
Sec. 23-51(2)q. to allow only 17 parking spaces where Village Code required 42 parking spaces, for a variance of 25 parking spaces
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 16th day of March, 2023.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Application No. 22-128(PVAR)
Starbucks @ Village Center

Legal Description:

Parcel 2, VILLAGE CENTER AT ROYAL PALM BEACH, recorded in Plat Book 108, Pages 114 and 115, of the Public Records of Palm Beach County, Florida.

LESS AND EXCEPT a parcel of land in the Northwest Quarter of Section 26, Township 43 South, Range 41 East, Village of Royal Palm Beach, Palm Beach County, Florida, being a portion of Lot 3 of the plat of Tract One-Fifteen, recorded in Plat Book 68, Page 43, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

BEGIN at the Northwest corner of said lot 3;

Thence along the North boundary of said plat, S86°34'50" E for 60.16 feet;

Thence departing said plat boundary, S 89°18'05" W for 60.00 feet to the West line of said Lot 3; Thence along said West line, N 00°41'55" W for 4.32 feet to the POINT OF BEGINNING.