

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER LANDSCAPE WAIVER APPLICATION NO. 20-115 (LW) AND APPROVAL OF ORDER LW-22-02, AN APPLICATION BY D.R. HORTON, INC. FOR CONSIDERATION OF THREE (3) LANDSCAPE WAIVERS AS FOLLOWS: (1) WAIVER FROM SEC. 15-131 (D) TO ALLOW FOR A ZERO (0) FOOT BUFFER ALONG THE ENTRANCE DRIVE WHERE VILLAGE CODE REQUIRES 25 FEET; (2) WAIVER FROM SEC. 15-131 (E) TO ALLOW FOR A FIVE (5) FOOT BUFFER ALONG THE WESTERN PROPERTY LINE WHERE VILLAGE CODE REQUIRES 15 FEET; AND (3) WAIVER FROM SEC. 15-131 (B) TO ALLOW FOR NO BERMS WITHIN THE BUFFERS WHERE VILLAGE CODE REQUIRES A 3-FOOT BERM, FOR A PROPERTY LOCATED NORTHWEST OF THE OKEECHOBEE BOULEVARD AND ROYAL PALM BEACH BOULEVARD INTERSECTION.**

**Issue:**

The applicant, WGI, Inc., is requesting three (3) Landscape Waivers as follows: (1) Waiver from Sec. 15-131 (d) to allow for a zero (0) foot buffer along the entrance drive where Village Code requires 25 feet; (2) Waiver from Sec. 15-131 (e) to allow for a five (5) foot buffer along the western property line where Village Code requires 15 feet; and (3) Waiver from Sec. 15-131 (b) to allow for no berms within the buffers where Village Code requires a 3-foot berm.

Please refer to **Attachment A** for the areas in which these Waivers will occur. A symbol for each Waiver request is represented within a chart titled "Waiver Chart". For a brief description of these three (3) Waivers and where these Waivers will occur, please see below. Also below is the Applicants Justification for each Waiver request and Staff's recommendation for each:

**Waiver #1:**

Sec. 15-131 (d): This Waiver request is to allow for a zero (0) foot buffer along the entrance drive where Village Code requires 25 feet. This Waiver request is represented in **Attachment A** with a circle with a "1" inside.

The Applicant Contends: "Waiver 1 is being requested due to the unique shape of the subject site and preexisting boundaries. A 25' landscape buffer is required when residential land uses are adjacent to rights-of-way. The subject site maintains access

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Director of P&Z	Approval	6-15-2023	Action

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from Royal Palm Beach Boulevard, and because of this a portion of the property line follows the site's access road to Royal Palm Beach Boulevard, giving the property identifying characteristics of a flag lot. While this slender portion of the property is only utilized for access to Royal Palm Beach Boulevard, it still is identified by the subject site's MFL FLU designation. Although, no residential uses are proposed on this portion of the subject site, because of its residential FLU designation it is expected to adhere to the perimeter buffer requirements found within the Village's landscape requirements of Sec 15-131(d). The Applicant cannot provide a 25' buffer at this portion of the subject site along the access drive, however it has been redesigned to provide for a sidewalk and additional landscaping. Furthermore, it should be noted that while the FLU designation of this area in focus is residential, no residential uses are proposed on this portion, thus negating the need for a buffer of such great widths."

Staff Recommendation: Staff is recommending Approval of the requested Landscape 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.

### **Waiver #2:**

Section 15-131 (e): This Waiver request is to allow for a five (5) foot buffer along the western property line adjacent to the canal system, where Village Code requires a 15 foot buffer. This Waiver request is represented in **Attachment A** with a circle with a "2" inside.

The Applicant Contends: "Waiver 2 is being requested due to the natural features unique to the subject site. A 15' wide landscape buffer is required per Sec 15-131(e) of the Village's Code, when single-family residential is located adjacent to multifamily residential. While there is single-family residential located adjacent to the subject site on the western boundary, it is separated from the subject site by the 200' M-1 Canal right-of-way. Within other municipalities this separation typically allows for a reduction in the required buffer and setback widths. The Applicant is still in compliance with the setback requirements for the RM-9 district, however, is proposing no landscape buffer rather than the code required 15'. The canal separation in conjunction with landscaping for each individual townhouse lot will adequately provide the necessary buffering and screening of the proposed townhouses from the adjacent single family residential community."

Staff Recommendation: Staff is recommending Approval of the requested Landscape 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.

### **Waiver #3:**

Sec. 15-131 (b): This Waiver request is to allow for no berms within the buffers where Village Code requires a 3-foot berm. This Waiver request is represented in **Attachment A** with a circle with a "3" inside.

The Applicant Contends: "Waiver 3 is being requested in order to preserve as many native pine trees within the subject site as possible. As the site is heavily vegetated, the grading and creation of three-foot-high berms would cause more disruption to native vegetation

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which is planned to be preserved and included within the buffers to provide ample screening. This can be evidenced by the landscape and tree inventory plans provided with this application.

Although no berm is being provided, the development proposal exceeds other landscaping requirements to mitigate the deviation from the required buffer. An analysis of areas throughout the subject site where a berm is not being provided nor specimen trees are being preserved has been provided below.

#### *West Boundary along M-1 Canal*

No berm is provided along the western boundary as there is no landscape buffer proposed. The west buffer is proposed to be eliminated (as noted in Waiver 2), because of site redesigns to better accommodate other Code and regulatory requirements such as, drainage and recreational requirements. Additionally, this buffer is proposed to be eliminated due to the existing M-1 canal providing increased separation from the compatible residential uses on the other side of the canal (approximately 250' separation). Regarding the lots that abut the M-1 Canal where the buffer is proposed to be eliminated, it is important to note that landscape planting has been provided even though it is not required by the Code. Since there is no buffer along this boundary, the planting requirements associated with the code required 15' wide landscape buffer been incorporated into the individual lots to the greatest extent possible. There are trees spaced at about 18' on average, providing for sufficient canopy growth and screening. Several low planting species were also added including shrubs and tall grasses for additional screening from residents of Madison Green and privacy for future residents of Lakeside Landing.

#### *South Boundary*

No berm is proposed along these areas as a vast majority of specimen trees are proposed to be preserved. It should be noted that a 6' opaque wall will be provided to make up for the loss of the berm. In most cases the implementation of a wall rather than a berm provides for better screening and protection against noise.

#### *East Boundary*

The subject site requires a vast amount of drainage in order to properly meet engineering requirements and provide for an efficient community. There is no berm proposed along the eastern boundary adjacent to the Village Royale Shopping Plaza due to a proposed swale, to accommodate the site's drainage requirements and the preservation of specimen trees. As previously mentioned, a 6' opaque wall will be provided to make up for the loss of the berm, and to properly screen the proposed development as well as to mitigate any impacts from adjacent noise."

Staff Recommendation: Staff is recommending Approval of the requested Landscape Waiver #3 and generally concurs with the Applicant's assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

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Note that the Applicant's application originally included a fourth waiver to Sec. 15-78 (e) to allow for replacement specimen trees to be counted towards other landscape code requirements where Village Code does not allow for such counting. However, at the Planning & Zoning Commission hearing on May 24, 2022, the Applicant requested removal of Waiver #4 from their application. Instead of the requested waiver, the Applicant will conform with the requirements of the Village Code. Therefore, Waiver #4 has been removed from the Applicant's request.

Subsequently, the Planning and Zoning Commission at its regular meeting on May 23, 2023 recommended Approval of Application No. 20-115 (LW) by a vote of 4-1, with Chairman Adam Miller dissenting.

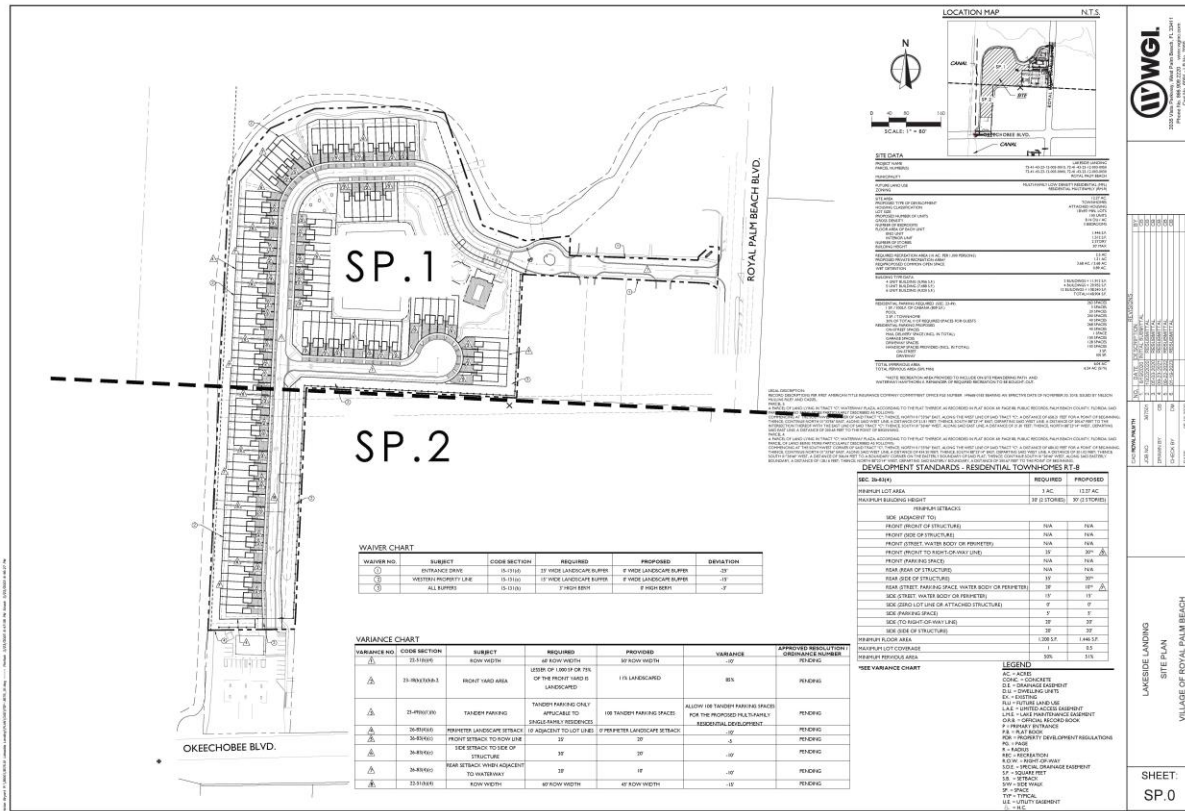
**Recommended Action:**

Staff is recommending Approval of Application No. 20-115 (LW) and Order LW-22-02 be submitted to the Village Council.

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Directly below is an illustration of the Site Plan showing the locations of the Waiver requests. Please refer to the Waiver Chart below for the waiver symbols. The zoom feature will aid in the review of this document.



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

**CASE NO. LW-22-02**

**IN RE:     Application No. 20-115(LW) – Lakeside Landing @ NW of  
             Okeechobee Boulevard and Royal Palm Beach Boulevard  
             Intersection**

**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 15, 2023, 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 RM-9 Multifamily Residential 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 landscape waivers from the Village of Royal Palm Beach Code of Ordinances at (1) Sec. 15-131 (d) to allow for a zero (0) foot buffer along the entrance drive where Village Code requires 25 feet; (2) Sec. 15-131 (e) to allow for a five (5) foot buffer along the western property line where Village Code requires 15 feet; and (3) Sec. 15-131 (b) to allow for no berms within the buffers where Village Code requires a 3-foot berm.

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-22-02**, with reference to the Lakeside Landing 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 15th day of June, 2023.**

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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**  
**Lakeside Landing**  
**Application No. 20-115 (LW)**  
**LW-22-02**

**LEGAL DESCRIPTION:**

RECORD DESCRIPTIONS PER FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT OFFICE FILE NUMBER 149668-0183 BEARING AN EFFECTIVE DATE OF NOVEMBER 30, 2018, ISSUED BY NELSON MULLINS RILEY AND CASSEL.

**PARCEL 1:**

A PARCEL OF LAND BEING A PORTION OF TRACT "C", WATERWAY PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND A PORTION OF THAT CERTAIN WATERWAY TRACT LYING NORTHERLY OF AND CONTIGUOUS TO TRACT "C", HAWTHORN II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 26, SAID PUBLIC RECORDS; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "C-2", WATERWAY PLAZA PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 71, PAGE 82, SAID PUBLIC RECORDS. THENCE, NORTH 88°23'14" WEST, ALONG THE BOUNDARY OF SAID TRACT "C-2", A DISTANCE OF 21.89 FEET; THENCE, SOUTH 46°36'46" WEST, CONTINUING ALONG SAID BOUNDARY FOR THIS AND THE NEXT FIVE COURSES, 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 47.87 FEET; THENCE, NORTH 48°04'54" EAST, A DISTANCE OF 125.80 FEET; THENCE, NORTH 41°55'06" WEST, DEPARTING SAID BOUNDARY, A DISTANCE OF 54.81 FEET; THENCE, SOUTH 51°53'20" WEST, A DISTANCE OF 43.80 FEET; THENCE, SOUTH 53°56'46" WEST, A DISTANCE OF 82.10 FEET; THENCE, SOUTH 79°20'24" WEST, A DISTANCE OF 47.08 FEET; THENCE, NORTH 76°58'32" WEST, A DISTANCE OF 61.00 FEET; THENCE, NORTH 51°37'37" WEST, A DISTANCE OF 39.41 FEET; THENCE, NORTH 26°59'45" WEST, A DISTANCE OF 47.60 FEET; THENCE, NORTH 24°21'16" WEST, A DISTANCE OF 48.29 FEET; THENCE, NORTH 21°15'07" WEST, A DISTANCE OF 35.48 FEET; THENCE, NORTH 22°12'29" WEST, A DISTANCE OF 30.51 FEET; THENCE, NORTH 45°19'32" WEST, A DISTANCE OF 69.22 FEET TO A CORNER ON THE BOUNDARY OF SAID TRACT "C", OF WATERWAY PLAZA; THENCE, NORTH 82°40'37" WEST, ALONG SAID BOUNDARY, A DISTANCE OF 100.50 FEET; THENCE, SOUTH 85°54'09" WEST, CONTINUING ALONG SAID BOUNDARY FOR THIS AND THE NEXT FOUR COURSES, A DISTANCE OF 100.50 FEET; THENCE, SOUTH 88°45'01" WEST, A DISTANCE OF 100.12 FEET; THENCE, SOUTH 65°02'52" WEST, A DISTANCE OF 111.80 FEET; THENCE, SOUTH 39°10'53" WEST, A DISTANCE OF 147.33 FEET; THENCE, SOUTH 01°33'56" WEST, A DISTANCE OF 170.24 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID BOUNDARY, A DISTANCE OF 201.02 FEET; THENCE, SOUTH 01°36'46" WEST, A DISTANCE OF 306.04 FEET TO A CORNER ON SAID BOUNDARY; THENCE, SOUTH 88°23'14" EAST, ALONG SAID BOUNDARY, A DISTANCE OF 485.92 FEET; THENCE, NORTH 01°36'46" EAST, CONTINUING ALONG SAID BOUNDARY FOR THIS AND THE REMAINING THREE COURSES, A DISTANCE OF 285.00 FEET; THENCE, SOUTH 88°23'14" EAST, A DISTANCE OF 419.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 48.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°13'42", A DISTANCE OF 33.70 FEET TO THE END OF SAID CURVE; THENCE, NORTH 01°36'46" EAST, A DISTANCE OF 95.84 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

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 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 223.60 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE OF TRACT "C", A DISTANCE OF 434.61 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 200.65 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT "C", THENCE, SOUTH 01°36'46" WEST, ALONG SAID EAST LINE, A DISTANCE OF 434.61 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 200.29 FEET TO THE POINT OF BEGINNING.

**LESS THE FOLLOWING TRACT:**

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 223.60 FEET FOR A POINT OF BEGINNING. THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE A DISTANCE OF 15.74 FEET; THENCE, NORTH 88°10'42" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 200.67 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT "C"; THENCE, SOUTH 01°36'46" WEST, ALONG SAID EAST LINE, A DISTANCE OF 27.76 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 200.29 FEET TO THE POINT OF BEGINNING.

**PARCEL 3:**

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 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 658.21 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE, A DISTANCE OF 21.81 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 200.67 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT "C"; THENCE, SOUTH 01°36'46" WEST, ALONG SAID EAST LINE, A DISTANCE OF 21.81 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 200.65 FEET TO THE POINT OF BEGINNING.

**PARCEL 4:**

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 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 680.02 FEET FOR A POINT OF BEGINNING. THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE, A DISTANCE OF 434.20 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 201.02 FEET; THENCE, SOUTH 01°36'46" WEST, A DISTANCE OF 306.04 FEET TO A BOUNDARY CORNER ON THE EASTERLY BOUNDARY OF SAID PLAT; THENCE, CONTINUE SOUTH 01°36'46" WEST, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 128.16 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EASTERLY BOUNDARY, A DISTANCE OF 200.67 FEET TO THE POINT OF BEGINNING.