

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 19-020 (PVAR) AN APPLICATION BY URBAN DESIGN KILDAY STUDIOS AND APPROVAL OF VARIANCE ORDER VC-19-11, TO ALLOW 163 TANDEM PARKING SPACES TO BE COUNTED FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT; TO ALLOW 9 PARKING SPACES TO BE USED EXCLUSIVELY BY THE U.S. POSTAL SERVICE DURING CERTAIN TIMES; AND TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES FOR THE SITE FROM 946 TO 812, FOR A VARIANCE OF 134 PARKING SPACES AS REQUIRED BY VILLAGE CODE, FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (U.S. 441). BY AGENT: ALESSANDRIA PALMER OF URBAN DESIGN KILDAY STUDIOS.

Issue:

The applicant is requesting a variance from the Village's Code of Ordinances at Section 23-49 (b) (1) *General access*. at sub-paragraph b. in order to allow the use of 163 tandem parking spaces for a multifamily residential development where Village Code only allows tandem parking to be counted as required parking spaces for single family residences. Sub-paragraph b. requires that each parking space shall be accessible without having to drive over or through any other parking space except for single-family residences wherein one (1) space may be located behind another space, also known as tandem parking spaces (i.e. driveways). This variance, if approved, would allow 134 tandem parking spaces to count toward required parking. Furthermore, the Applicant's request is to reduce the number of required parking spaces from 946 to 812, for a variance of 134 parking spaces, which is the result of the use of tandem parking spaces. It should be noted, however, that if the variances are granted, then the site will meet the Village's parking requirements for the development of 946 parking spaces and will be providing a total of 946 parking spaces.

Additionally, the applicant is requesting a variance from Section 23-51(1)(d) to allow 9 parking spaces to be used exclusively by the U.S. Postal Service during certain times where Village Code requires that such spaces be available for residents and guests at all times.

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

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Denial	11-21-2019	Action

- a. 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;
- b. The special conditions and circumstances do not result from the actions of the applicant;
- c. 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;
- d. 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;
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- f. The grant of the variance will be in harmony with the general intent and purpose of this division;
- g. Such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.

The applicant contends that although the code does not allow the use of tandem spaces, there is no way to prevent the use of them by the future residents when garage apartments are developed. Requiring additional parking spaces with no consideration given to the tandem parking spaces will result in excess parking of the proposed project. The applicant feels the code was developed at a time when garages were not widely constructed with apartments. The proposed variance will reduce environmental impacts and provide more flexible design options and open space.

Village Staff is not in support of this variance because Staff believes that no special conditions or circumstances exist which are not applicable to other lands; the condition is the result from actions of the applicant; granting of the variance will confer on the applicant special privileges that are denied to other lands; the literal interpretation of the Code does not deprive the applicant the rights enjoyed by other lands in the same zoning district; and that it is not the minimum variance necessary to allow reasonable use of the property.

The Planning and Zoning Commission considered the application on October 22, 2019, and recommended Approval by a vote of 3-1.

Recommended Action:

Staff is recommending Denial of Application 19-020 (PVAR) and the adoption of Variance Order VC 19-11.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Denial	11-21-2019	Action

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

**CASE NO. VC-19-11
IN RE: Application No. 19-020(PVAR)
Southern Boulevard Properties POD 2**

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 RM-14—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 **Variance** from Royal Palm Beach Code of Ordinances at the following sections: Sec. 23-49(b)(1)(b) to allow 163 tandem parking spaces where Village Code does not allow tandem parking; Sec. 23-51(1)(d) to allow 9 parking spaces to be used exclusively by the U.S. Postal Service during certain times where Village Code requires that such spaces be available for residents and guests at all times; and Sec. 23-51(1)(d) to reduce the number of required parking spaces from 946 to 812, for a variance of 134 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-19-11**, with reference to the above-mentioned property in the Village of Royal Palm Beach, Florida to permit variances to the following Code Sections:

Sec. 23-49(b)(1)(b) to allow 163 tandem parking spaces where Village Code does not allow tandem parking; Sec. 23-51(1)(d) to allow 9 parking spaces to be used exclusively by the U.S. Postal Service during certain times where Village Code requires that such spaces be available for residents and guests at all times; and Sec. 23-51(1)(d) to reduce the number of required parking spaces from 946 to 812, for a variance of 134 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.

This approval is subject to the following condition: The applicant has designated on the proposed site plan where the tandem spaces may be relocated to regular parking spaces if the parking fails on site (hereinafter referred to as the “Alternative Parking Plan”). The applicant shall relocate the tandem spaces to the regular parking spaces in accordance with the Alternative Parking Plan if parking fails on site. The applicant shall post a bond for the construction of the Alternative Parking Plan prior to final plat approval. Village staff shall review the on-site parking once the development has reached ninety-three percent (93%) occupancy to determine if the applicant must construct the Alternative Parking Plan. If Village staff determines that the regular spaces are not needed, then the bond shall be released.

Done and ordered this 21st day of November, 2019.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Application No. 19-020(PVAR)
Southern Boulevard Properties POD 2

Legal Description:

A PARCEL OF LAND BEING A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, TOGETHER WITH A PORTION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID SECTION 36, N01°30'19"E, A DISTANCE OF 142.27 FEET; THENCE LEAVING SAID WESTERLY SECTION LINE, S88°59'05"E A DISTANCE OF 1252.51 FEET; THENCE S04°44'26"W A DISTANCE OF 195.87 FEET; THENCE N89°52'27"E A DISTANCE OF 22.93 FEET; THENCE S44°16'15"E A DISTANCE OF 50.38 FEET; THENCE N87°18'52"E A DISTANCE OF 49.35 FEET; THENCE N46°33'16"E A DISTANCE OF 24.60 FEET; THENCE S88°59'05"E A DISTANCE OF 104.89 FEET; THENCE S01°52'12"W A DISTANCE OF 35.00 FEET; THENCE S36°03'30"W A DISTANCE OF 83.87 FEET; THENCE S01°49'41" A DISTANCE OF 728.95 FEET TO THE NORTH LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 699, PAGE 534, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE N88°57'45"W A DISTANCE OF 645.18 FEET; THENCE N59°20'02"W A DISTANCE OF 890.38 FEET TO A POINT ON THE WESTERLY SECTION LINE OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST; THENCE ALONG SAID WESTERLY SECTION LINE, N01°50'01"E A DISTANCE OF 459.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.356 ACRES MORE OR LESS.