

Agenda Item # \_\_\_\_\_

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 19-105 (PVAR), AN APPLICATION BY INSITE STUDIO, INC. AND VARIANCE ORDER VC 20-02, TO PROVIDE FOR A VARIANCE TO ALLOW 143 PARKING SPACES FOR A PLANNED COMMERCIAL DEVELOPMENT WHICH REQUIRES 149 PARKING SPACES AS ESTABLISHED IN SECTION 23-51 *REQUIRED MINIMUM NUMBER OF PARKING SPACES*, FOR A PROPERTY LOCATED AT 11700 OKEECHOBEE BLVD.**

**Issue:**

The Applicant is requesting a parking variance from the Village's Code of Ordinances Section 23-51 (2) I. in order to reduce the number of required parking spaces from 149 parking spaces to 143 parking spaces for the Village Center Planned Commercial Development (PCD). The request results in a requested variance of six (6) parking spaces for the center. The Applicant is seeking this variance in order to allow the entire existing 22,170 square foot, two (2) story building to be used for Medical Office purposes. There are currently two (2) vacant outparcels on the site in addition to the existing office building.

The existing two (2) story building was originally Site Planned for 50% professional office and 50% medical office use. The Applicant is proposing to make available the entire building for medical office purposes. The original approval required the existing office building to provide a total of 110 parking spaces per Village Code and the proposed conversion to all medical office use requires a total of 116 parking spaces. This results in a request for a variance for 6 required parking spaces.

Village Code section 23-51 (2) I. requires one (1) parking space for every 200 square feet of gross leasable area, plus per employee on maximum work shift for medical office uses. The variance request for a six (6) parking spaces is based upon a gross leasable area of 19,934 square feet of building area as outlined in the applicants Justification Statement.

The Applicant asserts that this property is unique in that it has been vacant since the date it received a Certificate of Occupancy over a decade ago. The Applicant further asserts that the literal interpretation of the Code would deprive the Applicant reasonable use of the property as the building has remained vacant since its completion even though it is located on a prime corner lot at a busy intersection. Finally, the Applicant contends that this is the minimum variance required to make reasonable use of the building.

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Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	03-19-2020	Action

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The Village sent out the required 300-foot notice, to all residents within a 300-foot radius of the subject property, notifying homeowners of the variance request. The Village did not receive any responses either supporting or objecting to the application. In addition the applicant sent out notices to the other property owners within the Planned Commercial Development (PCD) in accordance with Village Code.

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 not applicable to other lands in the same zoning district;
- Special conditions do not result from the actions of the Applicant;
- Granting the variance will not confer on the Applicant special privileges that are denied to other lands in the same zoning district; and;
- The literal interpretation of the Code would deprive the Applicant the rights enjoyed by other lands in the same zoning district;
- The variance requested is the minimum variance that will make possible the reasonable use of the property;
- The variance will be in harmony with the general intent and purpose of the Zoning Code and will not be injurious to the public welfare

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.

This item was considered by the Planning and Zoning Commission at its regular meeting on February 25, 2020 and was recommended for Approval by a vote of 4-1, with Commissioner Nazareth dissenting.

**Recommended Action:**

Staff is recommending Denial of Application 19-105 (PVAR) and Variance Order VC 20-02.

**Attachment A**

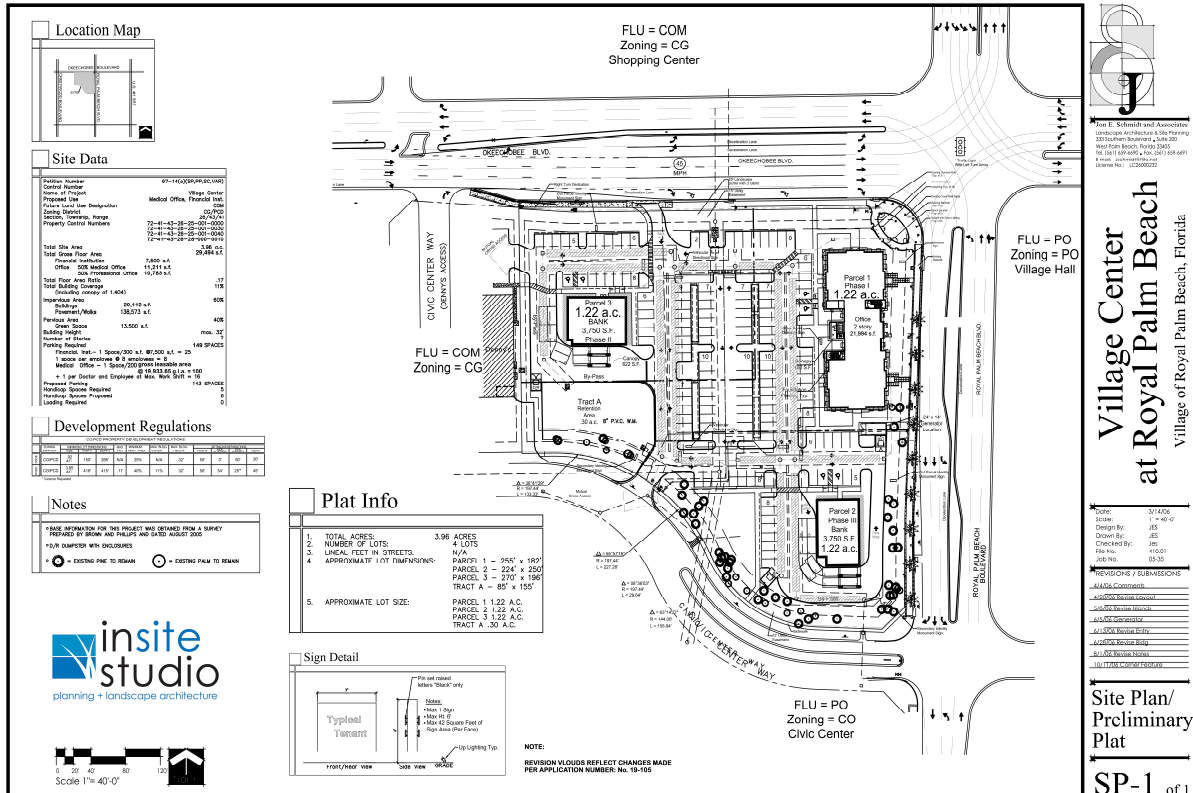
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Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	03-19-2020	Action

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# Site Plan Village Center @ RPB 19-105 (PVAR)

Below is an illustration of the Site Plan for Village Center.



Please use the zoom feature to aid in viewing this illustration.

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	03-19-2020	Action

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

**CASE NO. VC-20-02  
IN RE: Application No. 19-105(PVAR)  
Village Centre at RPB**

**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)l. to allow only 110 parking spaces where Village Code requires 116 parking spaces, for a variance of 6 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-20-02**, 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)l. to allow only 110 parking spaces where Village Code required 116 parking spaces, for a variance of 6 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 19th day of March, 2020.**

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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. 19-105(PVAR)**  
**Village Centre at RPB**

Legal Description:

**Parcel 3 OF THE PLAT OF VILLAGE CENTER AT ROYAL PALM BEACH AS RECORDED  
IN PLAT BOOK 108, PAGES 114 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY**

CONTIANING 1.217 ACRES MORE OR LESS

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ALL PERTINENT MATTERS OF RECORD.

CONTAINING 1.217 ACRES, MORE OR LESS.