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

#### Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 19-108 (LW), AN APPLICATION BY ARCHITECT BRUCE CELENSKI, INC., AND ADOPTION OF LANDSCAPE WAIVER NO. 20-01 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING LANDSCAPE WAIVERS FROM SECTION 15-131 OF THE VILLAGE ZONING CODE TO ALLOW FOR THE ELIMINATION OF THE REQUIRED THREE (3) FOOT HIGH PERIMETER BERM ALONG THE WEST AND A PORTION OF THE NORTH PROPERTY LINE AND TO ALLOW FOR A REDUCTION IN THE WIDTH OF THE REQUIRED LANDSCAPE BUFFERS ALONG THE WEST, NORTH AND EAST PROPERTY LINES; THE PROPERTY IS SITUATED ON A 0.92-ACRE PARCEL OF LAND LOCATED AT 1351 ROYAL PALM BEACH BOULEVARD; BY AGENT: BRUCE CELENSKI, OF ARCHITECT BRUCE CELENSKI, INC.

The Applicant is requesting Landscape Waivers from Village Code Section 15-131 (a) Berms. and Section 15-131 (b) (2) Buffering of nonresidential uses adjacent to residential and/or public ownership property. The Applicant is proposing a waiver to eliminate the required three (3) foot high berm within the landscape buffer along the west and north property lines and to reduce the buffer width from the required 25 feet down to a minimum of five (5) feet in width along the west, north and east property lines. The Applicant is also seeking a Landscape Waiver to Section 15-131 (c) 1. Buffering of nonresidential uses adjacent to a roadway. to allow for a 15-foot wide buffer where a 25-foot wide buffer is required. The request is due to the location of a 10-foot wide Utility Easement along the east property line. No reduction in landscape materials is requested, it will all be located in the reduced buffer width.

The Applicant stated in their Justification Statement that they are requesting the Landscape Waivers due to the location of easements along the west, north and east property lines.

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

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

Recommended Action: Staff is recommending Approva 20-01.	l of Application 19-108 (LW) and Landscape Waiver No.

Agenda Date

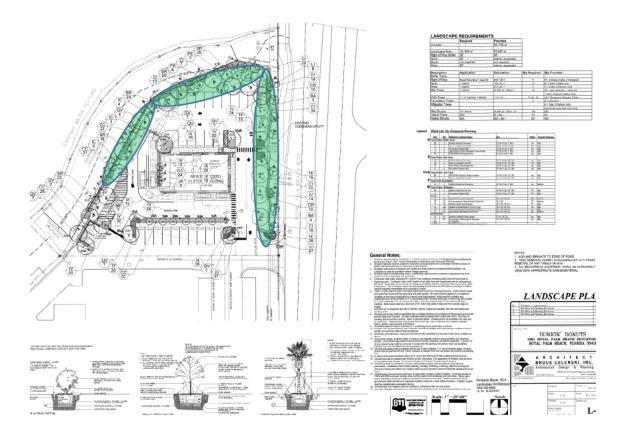
Village Council

Village Manager

Initiator:

# Attachment A Landscape Plan Dunkin @ Waterway Plaza 19-108 (LW) Landscape Waiver No. 20-01

Below is an Illustration of the proposed Landscape Plan showing the location of the waiver requests.



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

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

### ORDER OF THE VILLAGE COUNCIL VILLAGE OF ROYAL PALM BEACH

Chapter 15. Landscape Waiver

**CASE NO. LW-20-01** 

IN RE: Application No. 19-108(LW) – Dunkin Donuts

#### 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 March 19, 2020, 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 Commercial General 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(a) in order to eliminate the required three (3) foot high berm within the landscape buffer along the west and north property lines; a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-131(b)(2) in order to reduce the buffer width from the required 25 feet down to a minimum of five (5) feet in width along the west, north and east property lines; and a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-131(c)1.

- in order to allow for a 15-foot wide buffer where a 25-foot buffer is required along the east property line.
- 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-20-01, with reference to the Dunkin Donuts 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 set forth in Section 15-37 of the Village Code of Ordinances.

Done and ordered this 19th day of March, 2020.

	Mayor Fred Pinto Village of Royal Palm Beach
Attest:	vinage of Royal Failit Beach
 Diane DiSanto, Village Clerk	

# Exhibit A Legal Description Dunkin Donuts Application 19-108(LW) LW-20-01

#### **DESCRIPTION**:

Legal Description:

ALL OF LOT C-1, WATERWAY PLAZA PLAT NO 2 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 71, PAGE 82 OF THE RECORDS OF PALM BEACH COUNTY, FLORIDA

CONTAINING 0.92 ACRES OF LAND

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

SUBJECT TO ALL PERTINENT MATTERS OF RECORD.