

Agenda Item # 000A

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 20-42 (LW), AN APPLICATION BY COTLEUR & HEARING, INC., AND ADOPTION OF LANDSCAPE WAIVER NO. 20-02 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING WAIVERS FROM THE VILLAGE’S LANDSCAPE CODE AT SECTION 15-133 VEHICLE USE AREAS; PARKING LOT DIVIDER STRIPS AND ISLANDS; SECTION 15-131 PERIMETER LANDSCAPE BUFFERS REQUIRED; AND SECTION 15-143 PLANT MATERIAL STANDARDS; FOR A 14.22± ACRE PARCEL OF LAND LOCATED AT 10701 OKEECHOBEE BOULEVARD; BY AGENT: DONALDSON HEARING, OF COTLEUR & HEARING, INC.

The following waiver requests precedes the Site Plan Modification request for a church (aka First Baptist Church) located at 10701 Okeechobee Boulevard. The Applicant is requesting Landscape Waivers from Village Code at the following sections, as depicted on the Landscape Plan (refer to **Attachment A**). In Attachment A, you will find within the Landscape Plan areas with “Waiver #.20-02.” which corresponds to the specific waiver requests below. Following each request is a summation of the Applicant’s justification for the waiver, and Village Staff’s recommendation:

- Section 15-131 (c) *Buffering of nonresidential uses adjacent to a roadway.*
 1. Waiver #9: Along the south property line the Applicant is requesting the elimination of the three foot (3) berm requirement.
 2. Waiver #9: Along the south property line the Applicant is requesting a reduction of the required 25 foot buffer along Wildcat Way to 10 feet and tapering down to eight (8) feet.

Applicant’s Justification: This waiver is being requested since this is an existing condition and the berm was not required during the construction. The inclusion of a berm would be detrimental to the existing mature trees. The reduction in the required buffer width along Wildcat Way is due to the irregular shape of the property and would greatly impact the reasonable use of the property. Instead the Applicant is proposing an eight (8) to (10) feet of landscaping along the southern edge of Wildcat Way.

Staff is recommending **Approval** of this request and generally agrees with the Applicant’s justification of the waiver request.

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- Section 15-131 (b) *Buffering of nonresidential uses adjacent to residential and/or public ownership property.*

1. Waiver #10: Along the North/East property line the Applicant is requesting to eliminate the berm requirement.

Applicant's Justification: This waiver is being requested as a direct result and conflict with the existing wetland on the northern portion of the property.

Staff is recommending **Approval** of this request and generally agrees with the Applicant's justification of the waiver request.

2. Waiver #11: Along the West property line the Applicant is requesting to eliminate the berm requirement.

Applicant's Justification: This waiver is being requested because if the three (3) foot berm were to be provided, the existing mature canopy trees would be eliminated.

Staff is recommending **Approval** of this request and generally agrees with the Applicant's justification of the waiver request.

- Section 15-133 (b) *Perpendicular divider strips*

1. Waiver #1: To the north of the existing church building the Applicant is requesting a reduced width for a perpendicular landscape divider strip. The Applicant is proposing to reduce the required five (5) foot perpendicular landscape strip down to 3.5 feet wide.

Applicant's Justification: The Applicant contends the perpendicular landscape strip does meet the minimum landscape material requirements, but there is a two (2) foot vehicle overhang into the strip and this is the most reasonable configuration due to the dimensions of the property.

Staff is recommending **Approval** of this request and generally agrees with the Applicant's justification of the waiver request.

2. Waiver #8: Directly to the north and east of the church building the Applicant is requesting a reduced width for a perpendicular landscape strip.

Applicant's Justification: The Applicant contends that this waiver is justified due to the curvature of the parcel, the internal layout of the square parking configuration causes a pinch point on the perpendicular landscape strip. This also means that there is a much wider section of the dividing strip as well and the landscape material requirements within the dividing strip is being met.

Staff is recommending **Approval** of this request and generally agrees with the

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Applicant's justification of the waiver request.

- Section 15-133 (e) *Double terminal islands*: In various areas of the Landscape Plan the Applicant is requesting a reduction in the required minimum eight (8) foot wide double terminal island down to seven (7) feet for five (5) double terminal islands and down to six (6) feet for one (1) double terminal island (Waiver #2-7).

Applicant's Justification: The Applicant contends that due to the irregular shape of the property and the addition of the pedestrian path through the parking area, the full eight (8) feet of landscape islands exclusive of sidewalks not provided on both sides of every double terminal island. However, due to the curve of the drive aisle one side of every double terminal island is larger than the other and in some instances, it is as much as 16 feet wide.

Staff is recommending **Approval** of this request since the deficiency is due to the use of sidewalks which promote safe pedestrian circulation within the site; and the deficiency is offset with the much larger widths provided on the other side of the double terminal island.

- Section 15-143 (c) *Trees*: This waiver request (Waiver #12) is to allow for a reduction in the plant material standards for the required Village Code mitigation trees for the project. Village Code requires that upon planting of mitigation trees, they have a height of 14 feet with a diameter at breast height of 2.5 inches.

Applicant's Justification: Based on the updated tree survey, there are 255 required mitigation trees for the project. Additionally, 33 preservation trees are required. All preservation requirements are being met with the proposed plan for tree relocations. However, the mitigation code requires replacement trees to be 14 feet tall with a 2.5 inch diameter at breast height at the time of planting. Trees of this size require equipment to place them onsite due to their large size. South Florida Water Management District does not allow the use of equipment within a wetland area. However, planting native trees within a wetland by hand is not restricted. The Applicant is proposing an enhanced mitigation design utilizing trees that can be planted by hand. Varying tree heights and native species will provide a natural design that will enhance the wetland area as well as the views from the residential properties to the north. To compensate for the reduced tree size for the mitigation trees, the Applicant is proposing to plant 168 additional trees above what is required as code minimum (423 total mitigation trees). A total of 76 mitigation trees are proposed to meet the minimum size requirement of 14 feet tall. A waiver is being requested for the remaining 179 required mitigation trees to allow those trees to be installed at less than the required 14 foot minimum.

Staff is recommending **Denial** of this request because there are no site constraints

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on the remainder of the property (outside of the wetland area) precluding installation of the additional 179 mitigation trees at the Code required 14-foot height. All alternative planting locations will need to be approved in accordance with Village Code.

- Section 15-133 (d) *Palms*: This waiver request (Waiver #13) is to allow Royal Palm trees to be counted at a one (1) palm tree to one (1) shade tree ratio, for the required shade trees; where Village Code requires palm trees to be counted on a three (3) palm trees to one (1) shade tree ratio.

Applicant’s Justification: The Applicant contends due to Royal Palm trees mature size they provide a much larger canopy than many other palm trees. Royal Palm trees are proposed to be utilized in the narrow landscape area along Wildcat Way.

Staff is recommending **Approval** of this request to allow Royal Palms to be counted at a one (1) palm tree to one (1) shade tree ratio since this request has been approved for a number of other projects within the Village and these types of palms at maturity will achieve the minimum of 15 foot in height and a 15 foot spread requirement for mature canopy trees.

- Section 15-133 (c) *Parallel divider strips*: This waiver request (Waiver #14) is to allow a row of 16 parking spaces without a landscape island to break them up. Village Code requires a landscape parallel divider strip every ten (10) parking spaces.

Applicant’s Justification: The Applicant states that this waiver request is due to an existing parking condition on the property.

Staff is recommending **Approval** of this request since this is an existing condition.

The Planning and Zoning Commission considered the application on June 23, 2020, and recommended Approval by a vote of 3-1 with Commissioner Ross Shillingford dissenting.

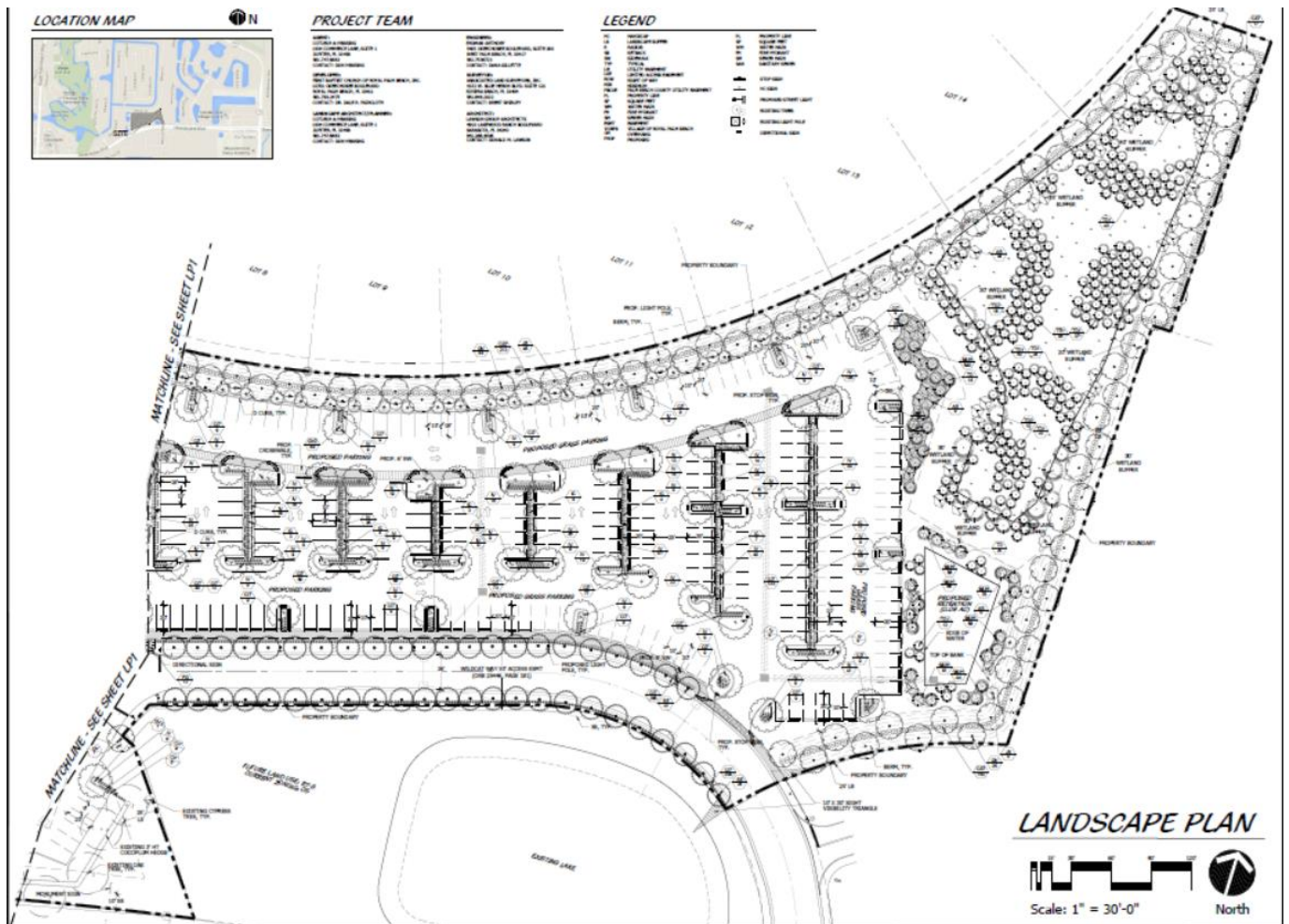
Recommended Action:

Staff recommends Approval in Part of Application 20-42 (LW) through the adoption of Landscape Waiver No. 20-02, with regard to Landscape Waivers #1-11 and 13-14. Staff is recommending Denial in Part of Application 20-42 (LW) with regard to Waiver #12, the request to deviate from Sec. 15-143 (c) *Trees* to allow for a reduction in the required minimum tree size of 14 feet tall and 2.5 inches in diameter at breast height upon planting.

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**Attachment A
Landscape Plan
First Baptist Church (Connect Church)
20-42 (LW)
Landscape Waiver No. 20-02**

Directly below is an illustration of the Landscape Plan; and the Zoom Feature can be used to aid in the viewing of this illustration.

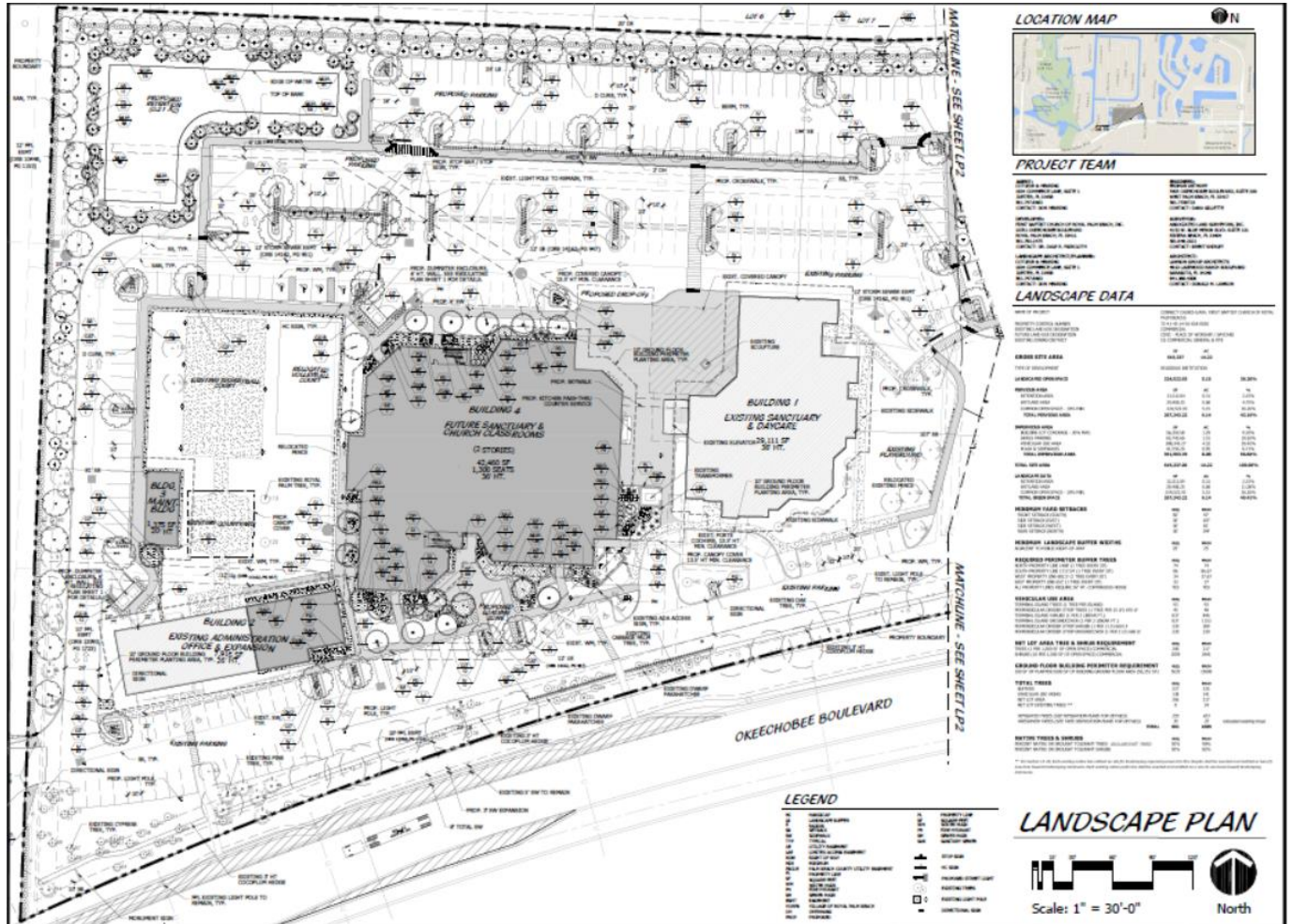


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**Attachment A
Landscape Plan
First Baptist Church (Connect Church)
20-42 (LW)
Landscape Waiver No. 20-02**

Directly below is an illustration of the Landscape Plan; and the Zoom Feature can be used to aid in the viewing of this illustration.



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

CASE NO. LW-20-02

IN RE: Application No. 20-42(LW) – First Baptist Church

Legal Description:

Attached as Exhibit “A”

ORDER APPROVING APPLICATION IN PART, AND DENYING IN PART

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 July 16, 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(c) in order to eliminate the required three (3) foot high berm within the landscape buffer along the south property line and reduction of the required buffer from 25-feet to a tapered 8-10 feet along the south property line; a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-131(b) in order to eliminate the three (3) foot berm along the north/east and west property line; a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-133(b) in order to reduce the perpendicular divider strips

north and east of the existing church from five (5) feet to 3.5 feet and five (5) feet to 1.5 feet, respectively; a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-133(e) in order to reduce the required eight (8) foot wide double terminal islands down to seven (7) feet for five (5) islands and down to six (6) feet for one island; a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-143(c) in order to allow for a reduction in the plant material standard (installation height) for 179 of the required mitigation trees; a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-133(d) in order to allow Royal Palm trees to be counted at a one (1) palm tree to one (1) shade tree ratio; and a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-133(c) in order to allow a row of 16 parking spaces without a landscape island to break them up which is required every 10 parking spaces by Code.

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-20-02**, with reference to the First Baptist Church project in the Village of Royal Palm Beach, Florida is hereby **Approved in part, and Denied in part**, in accordance with the Village Code of Ordinances, as more specifically stated below:

1. Landscape Waivers #1-11 and 13-14 are hereby approved since the applicant meets the landscape objectives as set forth in Sec. 15-37 of the Village Code of Ordinances.
2. Landscape Waiver #12 is hereby denied (the request to deviate from Sec. 15-143 (c) Trees to allow for a reduction in the required minimum tree size of 14 feet tall and 2.5 inches in diameter at breast height upon planting) since the applicant fails to meet the landscape objectives as set forth in Sec. 15-37 of the Village Code of Ordinances. All replacement trees shall be planted in accordance with Sec. 15-143(c), and all alternative planting locations shall be approved in accordance with Village Code.

Done and ordered this 16th day of July, 2020.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
First Baptist Church
Application 20-42(LW)
LW-20-02

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "B" OF SAID PLAT OF LA MANCHA; THENCE, SOUTH 02°17'35" WEST, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING, THENCE, CONTINUE, SOUTH 02°17'35" WEST, A DISTANCE OF 582.98 FEET, TO A POINT ON THE NORTHERLY LINE OF A PARCEL OF LAND ACQUIRED BY PALM BEACH COUNTY FROM THE VILLAGE OF ROYAL PALM BEACH FOR ADDITIONAL RIGHT-OF-WAY FOR OKEECHOBEE ROAD AND BEING A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 3,225.65 FEET, A CENTRAL ANGLE OF 15°19'41" AND A RADIAL BEARING AT THIS POINT OF SOUTH 24°54'56" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 862.94 FEET TO THE TERMINUS OF SAID CURVE; THENCE NORTH 36°19'34" WEST, ALONG A NON-TANGENT, NON-RADIAL LINE A DISTANCE OF 136.53 FEET; THENCE NORTH 64°02'18" WEST, A DISTANCE OF 46.47 FEET; THENCE NORTH 04°53'12" EAST, A DISTANCE OF 40.81 FEET; THENCE NORTH 03°08'57" WEST, A DISTANCE OF 56.51 FEET; THENCE NORTH 02°54'35" WEST, A DISTANCE OF 77.25 FEET, TO A POINT ON A CURVE LYING 100.00 FEET SOUTHERLY OF AND PARALLEL WITH THE REAR LINE OF BLOCK K, ACCORDING TO SAID PLAT OF LA MANCHA, BEING A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 05°44'20", AND A RADIAL BEARING AT THIS POINT OF NORTH 03°26'45" WEST; THENCE WESTERLY, ALONG SAID PARALLEL LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 82.63 FEET TO THE POINT OF TANGENCY; THENCE NORTH 87°42'25" WEST, A DISTANCE OF 590.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A STRIP OF LAND 100 FEET IN WIDTH LYING IN TRACT "B", LA MANCHA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, PAGE 165, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE, SOUTH 02°17'35" WEST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUE SOUTH 02°17'35" WEST, ALONG SAID WEST LINE, A DISTANCE OF 100.00 FEET; THENCE, SOUTH 87°42'25" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 590.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTH, HAVING A RADIUS OF 825.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°44'20", A DISTANCE OF

82.63 FEET TO THE END OF SAID CURVE; THENCE, NORTH 02°54'35" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "B"; SAID POINT ALSO BEING ON A CURVE CONCAVE NORTH, HAVING A RADIUS OF 725.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 03°31'11" WEST; THENCE, WESTERLY, ALONG SAID CURVE AND SAID NORTH LINE, THROUGH A CENTRAL ANGLE OF 05°48'46", A DISTANCE OF 73.55 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 87°42'25" WEST, CONTINUING ALONG SAID NORTH LINE AND THE WESTERLY PROLONGATION THEREOF, A DISTANCE OF 590.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

LOT 1, CAPSTONE AT ROYAL PALM, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 125, PAGE 13, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

TOTAL CONTAINING: 14.22 ACRES, OR 619,237 SQUARE FEET, MORE OR LESS