

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 21-55 (LW), AN APPLICATION BY MARCOS UNIS, FOR THE CONSIDERATION OF A LANDSCAPE WAIVER FROM VILLAGE CODE SECTION 15-133 (C)(1) AND (2) IN ORDER TO ELIMINATE THE PARALLEL DIVIDER STRIP AND THE REQUIRED LANDSCAPING ON THE WEST SIDE OF THE BUILDING AS PART OF THE CONVERSION TO A FENCED DOG WALKING AREA, FOR A PROPERTY LOCATED AT 10465 SOUTHERN BOULEVARD AND SITUATED WITHIN THE VILLAGE SHOPPES ON 441; BY ACCESS SPECIALTY ANIMAL HOSPITAL.**

The Applicant is requesting a Landscape Waiver from Village Code Section 15-133 (c)(1) and (2) *Parallel Divider Strips*. in order to convert the existing parallel divider strip to a dog run and to eliminate the required shrub and/or ground cover requirement within the divider strip. For an illustration of this area please refer to **Attachment A**. Village Code Section 15-133 (c)(1) and (2) *Parallel Divider Strips*. requires a landscape divider strip to run parallel to the long dimension of the parking space and shall be provided after each row of ten (10) parking spaces. This divider strip shall also be eight (8) feet wide exclusive of walkways and curbing. Additionally, within this divider strip there shall be a minimum of one (1) tree and one (1) shrub and/or one (1) ground cover for every two (2) linear feet. For an illustration of the proposed reconfigured landscape island please refer to **Attachment B**.

*The Applicant contends that “We are not eliminating the landscaped island but we are fencing it in to create an “outdoor dog run area” to serve the existing Access Specialty Animal Hospital Veterinary Clinic Building. Said “outdoor dog run area” was unanimously approved by the Village of Royal Palm Beach P & Z Commission and Village Council. Please also note that the width of the proposed “fenced-in island” is 34’ wide when only 8’ is required. Also the 2 required/existing trees will remain in the island to provide shade and greenery. Lower plantings and sod in the island (that would not be practical inside the dog run) will be substituted with artificial turf. We will be using a green coated chain link fence that will be transparent. It is my professional opinion that the proposed 34’ wide “outdoor dog run area” with 2 mature trees and transparent green vinyl fence more than satisfies the intent of this Code section which is to visually separate/break- up parking rows of more than 10 spaces and also to provide shade.*

*The approval of this Landscape Waiver/Variation will be tied to the Veterinary Clinic use. This means that the outdoor run/kennel will be there only as long as the Veterinary Clinic is there. If/when the Veterinary Clinic leaves the landscaping island would very easily be restored to fully comply with this code section.”*

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	11-18-2021	Action

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Staff is recommending Denial of this Landscape Waiver request. Given that the divider strip is 34 feet wide there is sufficient space to accommodate both the required shrub material and the dog run. It is important to note that the divider strip will not be removed and can be converted back to a Village Code compliant divider strip should the building be occupied by a different user in the future.

This item was considered by the Planning and Zoning Commission at its regular meeting on October 26, 2021 and was recommended for Approval by a vote of 3-2 with Commissioners Ray Nazareth and David Leland dissenting.

**Recommended Action:**

Staff is recommending Denial of Application 21-55 (LW) and Landscape Waiver No. 21-02.

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	11-18-2021	Action

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## Attachment A

Directly below is the landscape island adjacent to the building that the Applicant is proposing to reconfigure to accommodate the dog run.



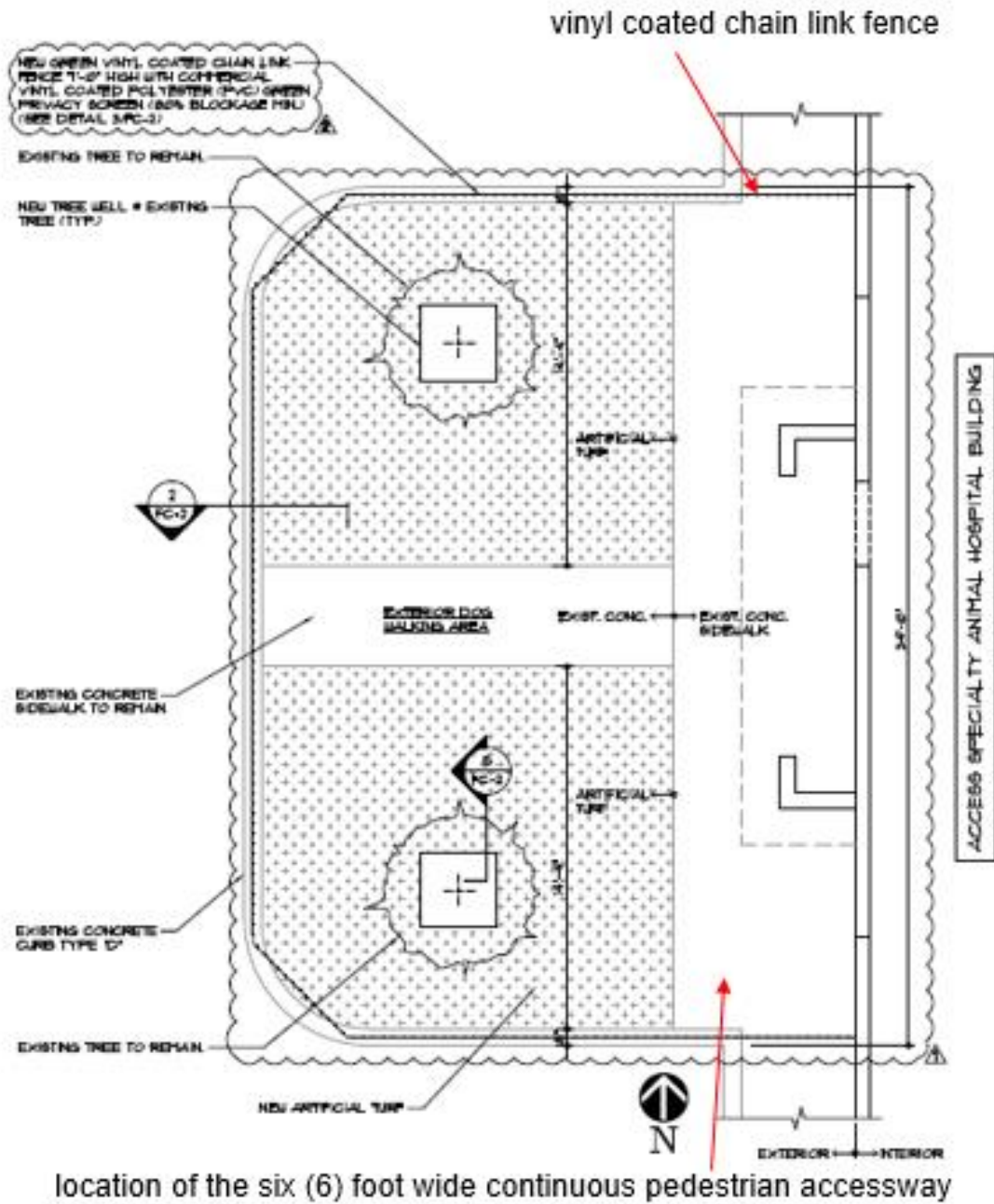
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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	11-18-2021	Action

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## Attachment B

Directly below is an illustration of the proposed reconfiguration of the landscape island and sidewalk adjacent to the west façade.



Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	11-18-2021	Action

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

**CASE NO. LW-21-02**

**IN RE: Application No. 21-55(LW) – Access Specialty Animal  
Hospital**

**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 November 18, 2021, 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. 15-133 (c)(1) and (2) Parallel Divider Strips. in order to convert the existing parallel divider strip to a dog run and to eliminate the required shrub and/or ground cover requirement within the divider strip.
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-21-02**, with reference to the Access Specialty Animal Hospital 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 18th day of November, 2021.**

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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**  
**Access Specialty Animal Hospital**  
**Application 21-55(LW)**  
**LW-21-02**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST ONE-HALF (E 1/2) OF SAID TRACT 7; THENCE NORTH 88 DEGREES, 07 MINUTES, 11 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST ONE-HALF (E 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 216.34 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86 DEGREES, 25 MINUTES, 20 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 245.73 FEET; THENCE NORTH 00 DEGREES, 34 MINUTES, 13 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 183.95 FEET; THENCE NORTH 88 DEGREES, 07 MINUTES, 11 SECONDS EAST A DISTANCE OF 158.05 FEET; THENCE SOUTH 01 DEGREE, 50 MINUTES, 18 SECONDS WEST A DISTANCE OF 179.82 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86 DEGREES, 25 MINUTES, 20 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS RECORDED IN OFFICIAL RECORDS BOOK 5345, PAGE 595, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01 DEGREE, 33 MINUTES, 47 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 945.44 FEET; THENCE NORTH 01 DEGREE, 33 MINUTES, 58 SECONDS EAST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 151.97 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE SOUTH 89 DEGREES, 03 MINUTES, 43 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID TRACTS 6 AND 7, A DISTANCE OF 960.69 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7 AND THE POINT OF BEGINNING;

**OUT PARCEL 2-A:**

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00°31'43" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 667.69 FEET; THENCE NORTH 89°28'17" EAST, A DISTANCE OF 435.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°07'24" EAST, A DISTANCE OF 251.00; THENCE SOUTH 00°31'43" EAST, A DISTANCE OF 257.38 FEET; THENCE SOUTH 88°07'24" WEST, A DISTANCE OF 251.00 FEET; THENCE NORTH 00°31'43" WEST, A DISTANCE OF 257.83 FEET TO THE POINT OF BEGINNING.

**OUT PARCEL 3-A:**

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 6, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 31'56" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST ONE-HALF OF SAID TRACT 7 FOR A POINT OF BEGINNING;  
THENCE NORTH 88 DEGREES 07'11" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST ONE-HALF OF SAID TRACT 7; THENCE NORTH 00 DEGREES

31'56" WEST, ALONG SAID EAST LINE, A DISTANCE OF 222.00 FEET; THENCE SOUTH 88 DEGREES 07'11" WEST A DISTANCE OF 367.11 FEET; THENCE SOUTH 43 DEGREES 47'38" WEST A DISTANCE OF 47.21 FEET TO THE SAID EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 31'56" EAST, ALONG SAID EAST LINE, A DISTANCE OF 189.00 FEET TO THE POINT OF BEGINNING.

**PARCEL** **2:**

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A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 1264.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND A POINT ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 11496.16 FEET AND WHOSE RADIUS POINT BEARS SOUTH 00 DEGREES, 23 MINUTES, 14 SECONDS WEST; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01 DEGREE, 19 MINUTES, 31 SECONDS, A DISTANCE OF 265.91 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 11422.16 FEET; THENCE WESTERLY, ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01 DEGREE, 07 MINUTES, 48 SECONDS, A DISTANCE OF 225.28 FEET TO THE END OF SAID CURVE AND A POINT ON THE WEST LINE OF SAID TRACT 7; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES, 41 MINUTES, 24 SECONDS WEST, ALONG THE WEST LINE OF SAID TRACT 7, A DISTANCE OF 1259.24 FEET TO THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 89 DEGREES, 03 MINUTES, 43 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 494.65 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7 AND THE POINT OF BEGINNING.

**PARCEL** **3:**

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A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2, SUPRA, AS SET FORTH IN RECIPROCAL EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 9102, PAGE 1787, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS DESCRIBED THEREIN.

LESS AND EXCEPT FROM THE ABOVE PARCELS 1, 2 AND 3, RIGHT OF WAY OF STATE ROAD 80 AND RIGHTS OF ACCESS, INGRESS AND EGRESS, AS DESCRIBED IN ORDER OF TAKING IN FAVOR OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED DECEMBER 12, 2002 IN OFFICIAL RECORDS BOOK 14451, PAGE 258, RATIFIED AND CONFIRMED BY STIPULATED FINAL JUDGMENT IN OFFICIAL RECORDS BOOK 20922, PAGE 1531, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PARCEL** **4:**

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THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO A ROAD AND CANAL RIGHT OF WAY OVER AND ACROSS THE SOUTH 55 FEET THEREOF.