

Agenda Item # R - 2

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 21-75 (LW), AN APPLICATION BY TUTTLE ROYALE APARTMENTS, LLC, FOR THE CONSIDERATION OF A LANDSCAPE WAIVER FROM VILLAGE CODE SECTION 15-131 (D) (1), TO ALLOW FOR A MINIMUM OF AN 11 INCH AND A MAXIMUM OF ONE (1) FOOT TEN INCH ENCROACHMENT INTO THE REQUIRED 25 FOOT PERIMETER LANDSCAPE BUFFER DUE TO PROPOSED GARAGE STRUCTURES WITHIN A 401-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT ON A 29.356± ACRE PARCEL OF LAND LYING WITHIN THE MULTIFAMILY RESIDENTIAL DISTRICT (RM-14) ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (U.S. 441).

The Applicant is requesting a Landscape Waiver from Village Code Section 15-133 (d) (1) *Buffering of residential uses adjacent to roadway*. This request is associated with a subsequent item on the Agenda, Application 21-62 (SPM, AAR), which is a Site Plan Modification and Architectural and Aesthetic Review consideration for an approved but not yet not built 401-unit residential development located on a 29.356± acre parcel of land on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). Village Code Section 15-133 (d) (1) requires that the perimeter landscape buffer be a minimum of 25 feet for the subject residential development. The request is to allow a minimum of an 11 inch and a maximum of one (1) foot 10 inch encroachment into the required buffer.

The Applicant contends that *“the applicant is proposing to install garage structures where standard parking spaces were previously located as part of a site plan revision. The design of the garage structures is such that there are four garage structures that encroach into the required 25’ Landscape Buffer.”*

The Applicant’s Justification Statement also contends that *“a more upscale residential community would enjoy the strongest market support and has proposed a number of modifications to provide additional amenities to the site plan that was approved 3 years ago. Among the proposed amenities is the inclusion of both covered parking spaces (carports) and garage structures to offer residents security and protection from the elements for their vehicles. In order to accommodate the slightly larger footprint of the garage structures, the applicant is requesting a minimal waiver from the 25’ landscape buffer standards at those four locations only. The 25-foot landscape buffer will otherwise remain unbreached”*.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	3-17-2022	Action

Z:\Project Files 12-11-02\Southern Blvd Properties (Tuttle Royale)_POD 2 (aka Phase 1 South A)\21-75 (LW) Pod 2 Southern Blvd Prop\Board Documents\Agenda Item Summary\21-75 Pod 2 Southern Properties - Agenda Item VC.docx

Staff is recommending Approval of this Landscape Waiver request and generally concurs with the Applicant's assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property as proposed. Please refer to **Attachment A** for an aerial illustrating the subject area under consideration for the Landscape Waiver.

This item was considered by the Planning and Zoning Commission at its regular meeting on February 22, 2022, and was recommended for Approval by a vote of 4-0.

Recommended Action:

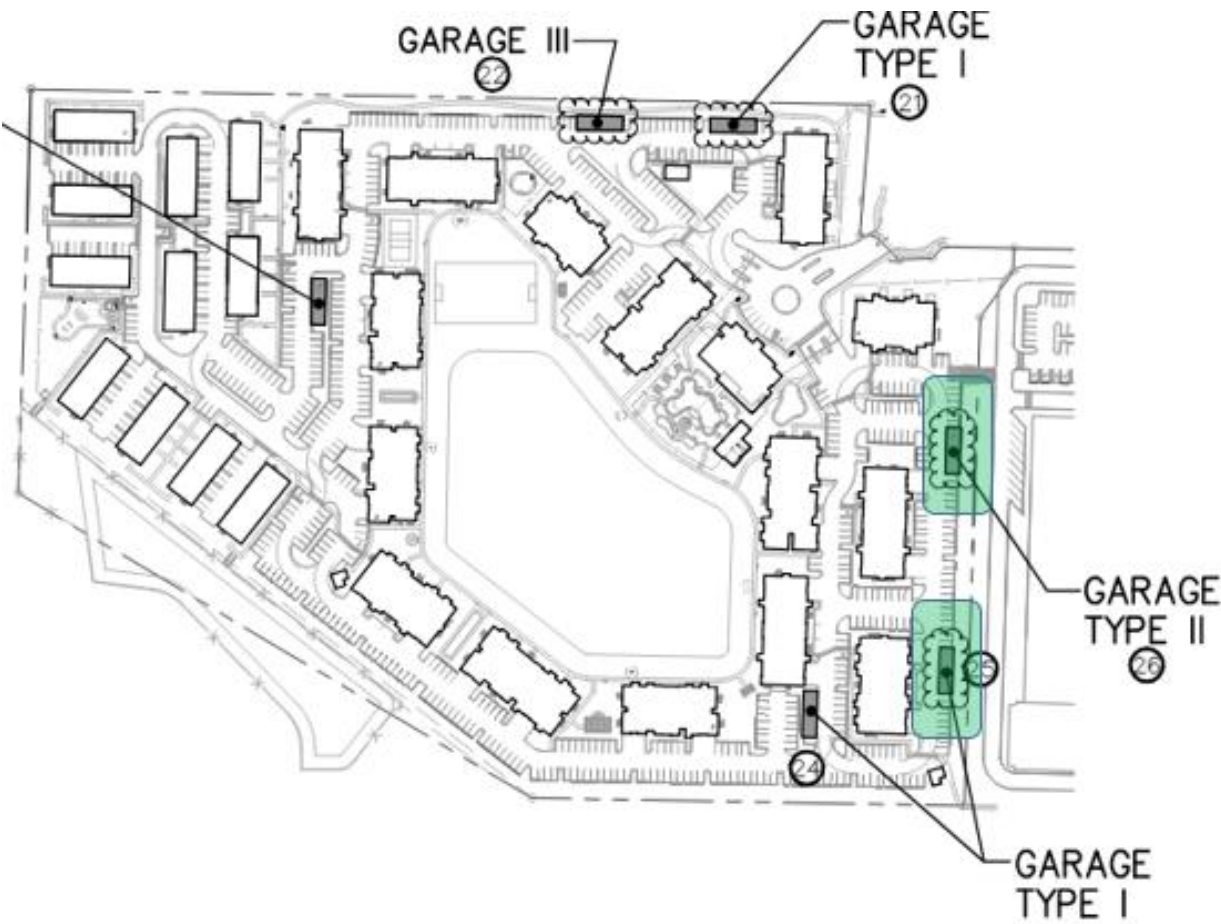
Staff is recommending approval of 21-75 (LW) and Landscape Waiver No. 22-01.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	3-17-2022	Action

Z:\Project Files 12-11-02\Southern Blvd Properties (Tuttle Royale)_POD 2 (aka Phase 1 South A)\21-75 (LW) Pod 2 Southern Blvd Prop\Board Documents\Agenda Item Summary\21-75 Pod 2 Southern Properties - Agenda Item VC.docx

Attachment A

Directly below is an illustration of the proposed locations of the garages that encroach into the required Landscape Buffer. Those garages are highlighted in green below.



Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	3-17-2022	Action
Z:\Project Files 12-11-02\Southern Blvd Properties (Tuttle Royale)_POD 2 (aka Phase 1 South A)\21-75 (LW) Pod 2 Southern Blvd Prop\Board Documents\Agenda Item Summary\21-75 Pod 2 Southern Properties - Agenda Item VC.docx			

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

CASE NO. LW-22-01

**IN RE: Application No. 21-75(LW) – 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 on February 22, 2022, 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 Multi-Family Residential 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(d)(1) in order to allow a minimum of an 11 inch and a maximum of one (1) foot 10 inch encroachment into the required 25 foot perimeter landscape buffer due to proposed garage structures.
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-22-01**, with reference to the Southern Boulevard Properties POD 2 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 allowed by Section 15-37 of the Village Code of Ordinances.

Done and ordered this 17th day of March, 2022.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Southern Boulevard Properties POD 2
Application 21-75(LW)
LW-22-01

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.