

Agenda Item # R - 3

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER LANDSCAPE WAIVER APPLICATION NO. 24-120 (LW) AND APPROVAL OF ORDER LW-24-04, AN APPLICATION BY BAR EDUCATION, INC., ON BEHALF OF ARTEMIS INVESTMENTS, LLC, FOR CONSIDERATION OF A LANDSCAPE WAIVER FROM SEC. 15-133(B)(1) TO ALLOW FOR A 6.3-FOOT WIDE PERPENDICULAR DIVIDER STRIP WHERE VILLAGE CODE REQUIRES 9-FEET, FOR A PROPERTY LOCATED AT 300 & 400 ROYAL COMMERCE ROAD AND 6846 SEMINOLE PALMS DRIVE; BY AGENT: HEATHER JO ALLEN, ESQ..

Issue:

The Applicant, BAR Education, Inc., on behalf of Artemis Investments, LLC, is requesting a Landscape Waiver from Sec. 15-133(b)(1) to allow a 6.3-foot minimum perpendicular divider strip instead of the required 9-foot width for a length of 70 feet along the proposed parking, for a property located at 300 & 400 Royal Commerce Road and 6846 Seminole Palms Drive.

For a brief description of the Waiver and location, please see below. Also below is the Applicant’s justification and Staff’s recommendation for the waiver requested.

Waiver Request:

Sec. 15-133(b)(1) to allow a 6.3-foot minimum perpendicular divider strip instead of the required 9-foot, a waiver to reduce the required width by 2.7 foot. The landscape area will contain all required landscape materials. Please refer to **Attachment A** for an illustration showing the location of the affected landscape island.

The Applicant Contends: “As such, the Eastern Parcel does not provide sufficient width to accommodate the required five foot (5’) wide perimeter landscape buffer along the western property line, the required twenty foot (20’) parking stall depth for each of the two rows of parking proposed, the required twenty- five foot (25’) drive aisle width as well as the nine foot (9’) perpendicular divider strip between the proposed parking within the Eastern Parcel and the existing parking within the Academic Institution Property”.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	12/19/24	Action

Staff Recommendation: Staff is recommending Approval of the requested Landscape Waiver and generally concurs with the Applicant's assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the proposed parking lot.

This item was considered by the Planning and Zoning Commission at its regular meeting on November 26, 2024 and was recommended for Approval by a vote of 4-0.

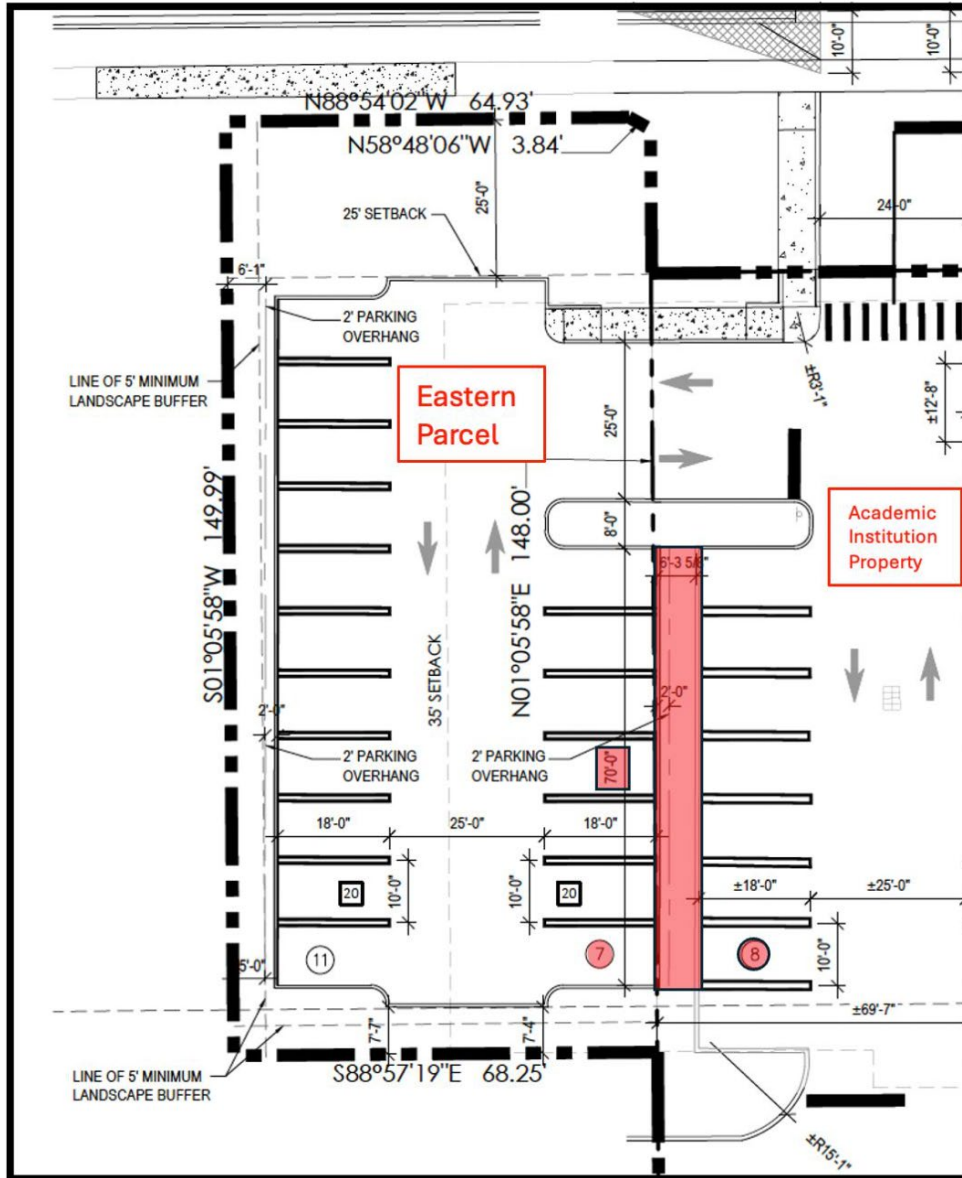
Recommended Action:

Staff is recommending Approval of Application No. 24-120 (LW) and Order LW-24-04.

Initiator:	Village Manager	Agenda Date	Village Council
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**Attachment A
Waiver Location
Application No. 24-120 (LW)**

Directly below is an illustration of the location of the impacted perpendicular divider strip showing the location of the waiver highlighted in red.



Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	12/19/24	Action

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

CASE NO. LW-24-04

**IN RE: Application No. 24-120(LW) – Primrose Schools
Perpendicular Island @ 300 & 400 Royal Commerce Road
and 6846 Seminole Palms Drive**

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 21, 2024, 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 Industrial General (IG) 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(b)(1) to allow a 6.3-foot minimum perpendicular divider strip instead of the required 9-foot width for a length of 70 feet along the proposed parking.

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-24-04**, with reference to the Primrose Schools Perpendicular Island 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 19th day of December, 2024.

Mayor Jeff Hmara
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Primrose Schools Perpendicular Island @ 300 & 400 Royal Commerce
Road and 6846 Seminole Palms Drive
Application No. 24-120 (LW)
LW-24-04

LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35 WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 80 (SOUTHERN BOULEVARD); THENCE A NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 600.50 FEET TO THE SOUTHEAST CORNER OF THE LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID SOUTHEAST CORNER BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE, CONTINUE NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE AND ALONG THE EAST LINE OF SAID LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508 AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 283.60 FEET; THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 186.68 FEET; THENCE, SOUTH 00°30'31" WEST, A DISTANCE OF 160.01 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 34.54 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.33 FEET; THENCE, SOUTH 88°51'31" EAST, A DISTANCE OF 5.61 FEET; THENCE, SOUTH 01°08'29" WEST, ALONG THE CENTERLINE OF AN EXISTING WALL SEPARATING TWO DUMPSTER BAYS, AND ITS SOUTHERLY PROLONGATION, A DISTANCE OF 31.47 FEET; THENCE, SOUTH 89°48'12" EAST, ALONG THE SOUTH LINE OF SAID LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508, AND ITS WESTERLY PROLONGATION, A DISTANCE OF 220.26 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35 WITH THE NORTH RIGHT OF WAY LINE

OF STATE ROAD 80; SAID INTERSECTION POINT BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN O.R. BOOK 4104, PAGE 1057, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 884.10 FEET TO THE NORTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTHSOUTH ONE QUARTER SECTION LINE AND ALONG THE NORTH LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, A DISTANCE OF 186.88 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, FOR A POINT OF BEGINNING;

THENCE, CONTINUE NORTH 90°00'00" WEST, ALONG THE PROLONGATION OF SAID NORTH LINE, A DISTANCE OF 5.66 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 5.95 FEET; THENCE, NORTH 90°00'00" WEST, A DISTANCE OF 150.00 FEET; THENCE, SOUTH 00°00'00" WEST, A DISTANCE OF 165.95 FEET; THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 116.70 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.27 FEET; THENCE SOUTH 88°51'31" EAST, A DISTANCE OF 3.00 FEET TO A POINT OF THE WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306; THENCE, NORTH 02°07'18" EAST, ALONG SAID WESTERLY BOUNDARY LINE, A DISTANCE OF 91.33 FEET; THENCE, NORTH 90°00'00" EAST, CONTINUING ALONG SAID WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, A DISTANCE OF 34.54 FEET; THENCE, NORTH 00°30'31" EAST, CONTINUING ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 160.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH EASEMENT INTEREST:

AN EASEMENT FOR INGRESS AND EGRESS AS GRANTED IN THAT EASEMENT FOR INGRESS AND EGRESS RECORDED IN O.R. BOOK 4477, PAGE 1434, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS SET FORTH THEREIN.

AN EASEMENT FOR INGRESS AND EGRESS AS GRANTED IN THAT EASEMENT RECORDED IN O.R. BOOK 5530, PAGE 423, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS DESCRIBED THEREIN.

AN EASEMENT FOR DRAINAGE, INGRESS AND EGRESS AS GRANTED IN THAT EASEMENT AGREEMENT RECORDED IN O.R. BOOK 6211, PAGE 1091, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS DESCRIBED THEREIN.

AN EASEMENT FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS CONTAINED IN THAT EASEMENT AGREEMENT RECORDED IN O.R. BOOK

21723, PAGE 176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS DESCRIBED THEREIN.

NON-EXCLUSIVE PARKING AND CROSS ACCESS RIGHTS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AS GRANTED IN THAT UNITY OF CONTROL AND CROSS-ACCESS EASEMENT RECORDED IN O.R. BOOK 12677, PAGE 1059, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 83,387 SQUARE FEET OR 1.914 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE S08°16'41"W, A DISTANCE OF 2,871.76 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SEMINOLE PALMS DRIVE, AS RECORDED IN OFFICIAL RECORDS BOOK 22401, PAGE 544 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND TO THE POINT OF BEGINNING; THENCE S58° 48'06"E, A DISTANCE OF 3.84 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE LAND, AS DESCRIBED IN OFFICIAL RECORDS BOOK 19820, PG. 333 OF SAID PUBLIC RECORDS; THENCE ALONG SAID WEST LINE, S01°05'58"W, A DISTANCE OF 148.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE LAND, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5443, PG. 578 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE, N88°57'19"W, A DISTANCE OF 68.25 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE LAND, AS DESCRIBED IN OFFICIAL RECORDS BOOK 33989, PG. 488 OF SAID PUBLIC RECORDS; THENCE ALONG SAID EAST LINE, N01°05'58"E, A DISTANCE OF 149.99 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF SEMINOLE PALMS DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S88 54'02"E, A DISTANCE OF 64.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,231 SQUARE FEET OR 0.2349 ACRES, MORE OR LESS.