

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

Agenda Item:

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION NO. 24-038 (VAR), AN APPLICATION BY URBAN DESIGN STUDIO, TO ALLOW A VARIANCE FROM SEC. 26-73 (C)(13)B. BUILDING PERIMETER PLANTINGS. TO ALLOW FOR A REDUCTION IN THE VILLAGE CODE REQUIRED 5,873 SQUARE OF BUILDING PERIMETER PLANTINGS TO 3,206 SQUARE FEET OF BUILDING PERIMETER PLANTING FOR A VARIANCE OF 2,667 SQUARE FEET, FOR A PROPERTY LOCATED AT 450 S. STATE ROAD 7.

Issue:

The Applicant is requesting a variance from the Village’s Code of Ordinances Sec. 26-73 (c)(13).b. which requires one square foot of building perimeter planting for every 100 square feet of building square footage. The Applicant is proposing to provide 3,206 square feet of building perimeter planting where Village Code requires 5,873 square for a 58,731 square foot building. This results in a variance request of 2,667 square feet of building perimeter planting. The property is situated within the Royal Palm Shopping Center and located at 450 S. State Road 7.

The applicant is proposing to repurpose the now vacant 58,341 square foot former Toys “R” Us building into a Baptist Health Integrated Care Center. There are multiple applications being processed in conjunction with this application and all of which are being processed concurrently. The concurrent applications include a request for Special Exception Use approval for an “Integrated Care Center”; Variance approval to allow a reduction in the required 25 foot drive aisle width for three (3) drive aisles; Sign Variance approval for various signage for the center; and a Site Plan Modification to reconfigure the site to accommodate the “Integrated Care Center”.

The Applicant states that the intent of Village Code is being met by providing a total of 11,638 square feet of building perimeter planting area, however 8,432 square feet of building planting area is situated within the Village of Wellington’s jurisdiction. This 8,432 square feet of building perimeter planting cannot be counted towards the Village of Royal Palm Beach’s planting requirements since it is not located within the Village of Royal Palm Beach. Furthermore, the reconfiguring of the previously approved Site Plan has increased the building perimeter planting by 4,948 square feet. For an illustration showing

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the building perimeter plantings and the municipal boundaries please refer to **Attachment A**.

The following are the Variance Criteria Village Code Sec. 26-32 (f)(6) for allowing the Village Council to grant variances to the Zoning Code. Also included below are the Applicant's responses to these criteria.

- Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings subject to similar requirements;

Applicant's Response: "Special conditions and circumstances exist which are peculiar to the site and not applicable to other lands, structures or buildings in the same zoning district. The existing building location is situated exactly on the border of the Village of Wellington boundary on the south and east façade with no setback from those property lines. This special condition restricts the ability to count any proposed building perimeter plantings on the south and east facades towards the Village requirement and thereby limits the applicable perimeter planting area to only the west and north facades. Although, the variance to perimeter plantings is requested, the intent of the code is still being met as 11,638 SF of planting area is provided when considering all four facades. In fact, the proposed perimeter planting area for the building between both municipalities is increasing by 4,948 SF from the previously approved 6,690 SF to a proposed 11,804 SF of planting area. As such, the building perimeter landscaping is being enhanced as part of this application."

- The special conditions and circumstances do not result from the actions of the applicant;

Applicant's Response: "The requested variance does not result from the actions of the Applicant. As noted, the special conditions and circumstances are a result of the configuration of the site and specific legal requirements for the use."

- Granting the variance request will not confer on the applicant any special privileges that are denied by this Code to other lands, buildings or structures similarly situated;

Applicant's Response: "The granting of the variance will not confer any special privileges onto the Applicant. Any other applicant for an Integrated Care Center with the same issues with its property would be allowed to seek the same variances, if such circumstances existed."

- A literal interpretation of the provisions in this Code would deprive the applicant of rights commonly enjoyed by other properties similarly situated under the terms of this Code and would work unnecessary and undue hardship on the applicant;

Applicant's Response: "The literal interpretation of the provisions of the landscape code would work an unnecessary and undue hardship on the Applicant. The literal interpretation of the building perimeter planting requirements would restrict the ability to count any proposed building perimeter plantings on the south and east facades"

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towards the Village requirement and thereby limit the applicable perimeter planting area to only the west and north facades.”

- The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Applicant’s Response: “The requested variance is the minimum variance needed to make a reasonable use of the land, building and structure. Building perimeter plantings have been maximized where possible on the applicable north and west facades within the Village of Royal Palm Beach. The proposed perimeter planting area for the building between both municipalities is increasing by 4,948 SF from the previously approved 6,690 SF to a proposed 11,638 SF of planting area. As such, the building perimeter landscaping is being enhanced as part of this application and the intent of the code section is being met.”

- The grant of the variance will be in harmony with the general intent and purpose of this division; and

Applicant’s Response: “Granting the requested variance will be in harmony with the general intent and purpose of the division. The variances allow for the optimization of the safe operation of the Integrated Care Center and will strengthen the Village’s public health, safety and welfare by providing a Hospital-affiliated emergency medical care option to Village resident’s which was not previously available.”

- Such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.

Applicant’s Response: “The requested variance will not be injurious to the neighborhood or detrimental to the public welfare. The allowance of the requested variances will enhance the public welfare by providing a Hospital-affiliated emergency medical care option to Village resident’s which was not previously available.”

Based on the information provided and given that the aggregate of the square footage, of building perimeter plantings located in both the Village of Wellington and the Village of Royal Palm exceeds the Village of Royal Palm Beach’s Code requirements for building perimeter plantings, Staff is in support of this variance request.

The Planning and Zoning Commission considered the application on September 24, 2024, and recommended Approval by a vote of 5-0.

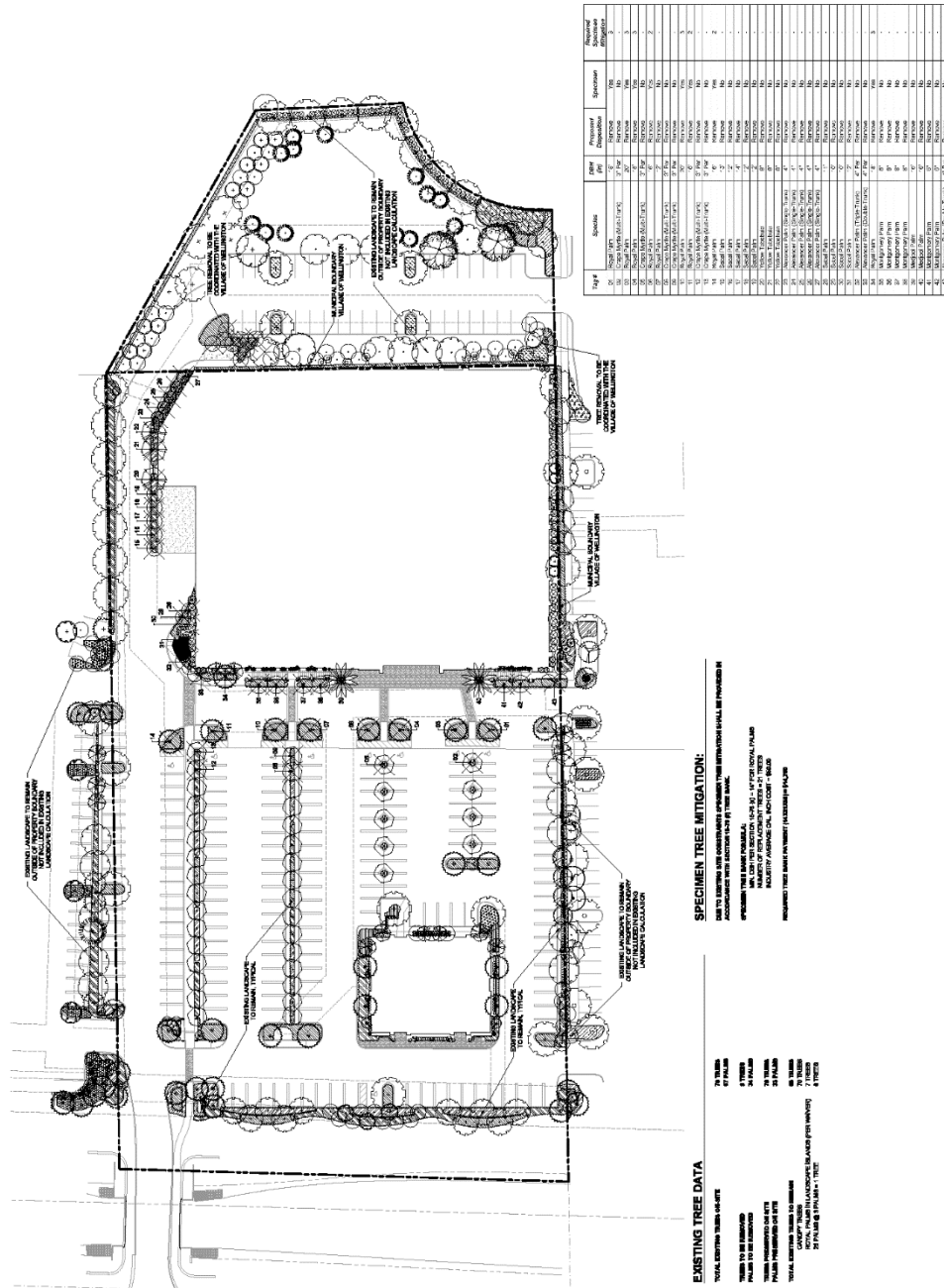
Recommended Action:

Staff is recommending Approval of Application No. 24-038 (VAR) and Variance Order VC-24-05.

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Attachment A
Baptist Health Integrated Care Center
Application No. 24-038 (VAR)
VC-24-05

Directly below is an illustration of the site plan showing the building perimeter planting as the Village of Royal Palm Beach's boundary and building perimeter plantings situated within the Village of Wellington's boundary.



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**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF ROYAL PALM BEACH
Chapter 26. Zoning**

**CASE NO. VC-24-05
IN RE: Application No. 24-038(VAR)
Baptist Health Integrated Care Center @ 450 S. State Road 7**

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, 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—General Commercial Zoning 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 **Variance** from Royal Palm Beach Code of Ordinances at the following section: Sec. 26-73(c)(13)b. to provide for 3,206 sf of perimeter plantings where Village Code requires 5,873 sf, a variance of 2,667 sf.
3. Under the provisions of Sec. 26-32(f)(6) of the Village Code of Ordinances, the Village Council has the right, power and authority to act upon the application herein made.
4. In the judgment of the Village Council, the public welfare will best be served by **APPROVING** the application.
5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:
6. The application for **Variance, VC-24-05**, with reference to the above-mentioned property in the Village of Royal Palm Beach, Florida to permit variances to the following Code Section:
Sec. 26-73(c)(13)b. to provide for 3,206 sf of perimeter plantings where Village Code requires 5,873 sf, a variance of 2,667 sf is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

The applicant meets the following standards set forth in Section 22-32(f)(6) of the Village Code of Ordinances.

1. Special conditions and circumstances exist;
2. Special circumstances are not the result of actions of the applicant;
3. No special privilege is conferred;
4. Literal interpretation would constitute an unnecessary and undue hardship;
5. This is minimum variance for reasonable use of land;
6. Is in harmony with the intent and purpose of this division; and:
7. Will not be injurious to area or detrimental to the public welfare.

Done and ordered this 17th day of October, 2024.

Vice Mayor Jeff Hmara
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Application No. 24-038(VAR)
Baptist Health Integrated Care Center @ 450 S. State Road 7

Legal Description:

PARCEL ONE:

TOYS R US PARCEL -TRACT D

A parcel of land lying Section 6, Township 44 South, Range 42 East, Village of Royal Palm Beach, Palm Beach County, Florida, and being more particularly described as follows:

BEGINNING at a permanent reference monument found at the Northwest corner of Parcel A, Isla Verde of Wellington Commercial Plat recorded in Plat Book 115, Pages 62-68, Public Records of Palm Beach County, Florida; thence running North 01 degrees 36 minutes 07 seconds East for a distance of 330.30 feet to a permanent reference monument found and corner; thence running North 89 degrees 03 minutes 40 seconds East for a distance of 585.56 feet to a permanent reference monument and corner; thence running South 00 degrees 58 minutes 20 seconds East for a distance of 329.95 feet to a permanent reference monument found and corner; thence running South 89 degrees 03 minutes 34 seconds West for a distance of 600.13 feet to a permanent reference monument found and THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PROPERTY:

TOYS R US OUTPARCEL -TRACT E

A parcel of land lying Section 6, Township 44 South, Range 42 East, Village of Royal Palm Beach, Palm Beach County, Florida and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at a permanent reference monument found at the Northwest corner of Parcel A, Isla Verde of Wellington Commercial Plat recorded in Plat Book 115, Pages 62-68, Public Records of Palm Beach County, Florida; thence proceed North 89 degrees 03 minutes 34 seconds East for a distance of 105.27 feet to a point and corner; thence proceed North 00 degrees 56 minutes 26 seconds West for a distance of 51.66 feet to a point, said point being the TRUE POINT OF BEGINNING. FROM SAID TRUE POINT OF BEGINNING, thence running North 00 degrees 00 minutes 00 seconds East for a distance of 95.33 feet to a point and corner; thence running North 90 degrees 00 minutes 00 seconds East for distance of 79.33 feet to a point and corner; thence running South 00 degrees 00 minutes 00 seconds West for distance of 95.33 feet to a point and corner; thence running South 90 degrees 00 minutes 00 seconds West for distance of 79.33 feet to a point and the POINT OF BEGINNING.

PARCEL TWO:

A parcel of land lying in Section 6, Township 44 South, Range 42 East, Village of Wellington, Palm Beach County, Florida, and being more particularly described as follows:

Parcel B, Isla Verde of Wellington Commercial Plat, according to the Plat thereof as recorded in Plat Book 115, Pages 62-68 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH THE FOLLOWING EASEMENT PARCELS:

Easement A:

Non-exclusive easements for ingress and egress of pedestrian and vehicular traffic as created by, and more particularly described in, the Cross Access Easement Agreement among RPB Venture Ltd., Royal Office Park, Ltd. and Shoppes at Isla Verde, Ltd. recorded in Official Records Book 22562, page 284, as amended by the Revised Cross Access Easement Agreement recorded in Official Records Book 24369, page 71, as corrected and re-recorded in Official Records Book 27631, Page 149, of the public records of Palm Beach County, Florida, over and across the Access Road located within the following described lands:

The East 70 feet of the West 110 feet of Parcel A, ROYAL OFFICE PARK, according to the plat thereof as recorded in Plat Book 111, Page 91, of the Public Records of Palm Beach County, Florida.

AND

The East 65 feet of the West 105 feet of the North 575 feet of Tract "E", ISLA VERDE OF WELLINGTON, according to the plat thereof as recorded in Plat Book 110, Pages 132 through 138, of the Public Records of Palm Beach County, Florida.

Easement B:

Non-exclusive easements for pedestrian and vehicular ingress and egress and vehicular parking as created by, and more particularly described in, the Restrictive Covenants and Easement Agreement among Pebb Enterprises Royal Palm Beach Property, LLC, Shoppes at Isla Verde, Ltd. and Royal Office Park, Ltd. recorded in Official Records Book 24384, page 808, which was corrected and re-recorded on May 14, 2015 in Official Records Book 27534, page 72, as modified by the Amendment to Restrictive Covenants and Easement Agreement recorded in Official Records Book 24578, page 108, and Second Amendment to Restrictive Covenants and Easement Agreement recorded in Official Records Book 24656, Page 1958, all of the public records of Palm Beach County, Florida, for pedestrian and vehicular ingress and egress over and across those certain curb cuts, entrances and exits, access ways, drive aisles and roadways on the Isla Verde Parcel as depicted on the Site Plan within the following described lands:

Tract "E", ISLA VERDE OF WELLINGTON, according to the plat thereof as recorded in Plat Book 110, Pages 132 through 138, of the Public Records of Palm Beach County, Florida.

AND

for pedestrian and vehicular ingress and egress over and across those certain curb cuts, entrances and exits, access ways, drive aisles and roadways on the Office Park Parcel as depicted on Site Plan, within the following described lands:

Parcel A and Tract Z, ROYAL OFFICE PARK, according to the plat thereof as recorded in Plat Book 111, Page 91, of the Public Records of Palm Beach County, Florida.

AND

for vehicular parking upon, over and across that portion of the parking area located on the Isla Verde Parcel designated on the Site Plat as the "Isla Verde Parking Easement Area" within the following described lands:

Tract "E", ISLA VERDE OF WELLINGTON, according to the plat thereof as recorded in Plat Book 110, Pages 132 through 138, of the Public Records of Palm Beach County, Florida.

AND

for vehicular parking upon, over and across that portion of the parking area located on the Office Park Parcel designated on the Site Plan as the "Office Park Parking Easement Area" within the following described lands:

Parcel A and Tract Z, ROYAL OFFICE PARK, according to the plat thereof as recorded in Plat Book 111, Page 91, of the Public Records of Palm Beach County, Florida.

AND

Non-exclusive, reciprocal easements as created by and more particularly described in that Agreement of Reciprocal Easements, Restrictions and Maintenance Covenants for Royal Office Park among Royal Office Park, Ltd., a Florida limited partnership, Pebb Enterprises Royal Palm Beach Property LLC, a Florida limited liability company, and joined in by Pebb Toys Outparcel, LLC, a Delaware limited liability company, dated January 14, 2015, recorded on January 16, 2015 in Official Records Book 27280, Page 589, as affected by that Consent recorded in Official Records Book 27762, Page 1457, of the Public Records of Palm Beach County, Florida, over the lands described therein less any lands lying in Parcels One and Two herein, and for the purposes therein expressed.