

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION NO. 24-101 (VAR), AN APPLICATION BY URBAN DESIGN STUDIO, TO ALLOW A VARIANCE FROM SEC. 22-51 (B)12.E. PARKING FACILITY DESIGN STANDARDS. TO ALLOW FOR A REDUCTION IN THE REQUIRED 25 FOOT DRIVE AISLE FOR THREE (3) DRIVE AISLES RANGING FROM 1 FOOT TO 0.6 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. 22-51 (b)12.e. to allow for a reduction in the required 25-foot wide drive aisles for three (3) drive aisles. The applicant is proposing two (2) 24-foot wide drive aisles for a reduction of one (1) foot in the required drive aisle width for the 2nd and 5th drive aisle from the north. Additionally, the Applicant is proposing a 24.4-foot wide drive aisle for a reduction of 0.6 feet in the required drive aisle width for the 3rd drive aisle from the north. Please refer to **Attachment A** for an illustration of the Site Plan showing the drive aisles affected by this variance. The property is situated within the Royal Palm Toys 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-RUs 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 reduce the required square footage of foundation plantings for the building; Sign Variance approval for various signage for the center; and a Site Plan Modification to reconfigure the site to accommodate the “Integrated Care Center”.

In reviewing the prior mentioned applications, it was discovered by Staff that the 2nd, 3rd, and 5th drive aisles from the north as shown on the proposed site plan do not meet the Code required 25 foot wide drive aisle. The Applicant states that although the site was originally Site Planned showing the required 25-foot drive aisles, construction errors decreased the drive aisles widths to less than the required 25 feet. The Applicant contends that they would be faced with exorbitant cost if the parking lot were to be brought

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up to Code when considering demolition and reconstruction of pavement, curbs, and other affected areas.

The following are the Variance Criteria provided in Village Code Sec. 22-66 (c) (1)-(8) for allowing the Village Council to grant variances to the subdivision code. Also included below are the Applicant’s responses to these criteria.

- That exceptional and unique conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements;

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. As previously mentioned, the Applicant inherited the previous parking lot conditions from the prior Toys R Us site built in 2012. During construction, minor errors and deviations from the approved plan dimensions accumulated resulting in the conditions seen today. The proposed affected area of improvement is limited to the westerly shift of the pick-up/drop off drive aisle adjacent to the eastern edge of the building entry. No other parking area revisions are included in the requested scope, as the existing built parking lot conditions are proposed to remain. The proposed entry drive aisle shift to the west maintains the existing orientation and location of the existing east-west parking rows on site. None of the existing parking spaces, landscape islands, or divider medians on site are being shifted to the north or south.”

- That strict compliance with the provisions of the regulations would deprive the developer of rights commonly enjoyed by other properties, subject to these regulations, with similar conditions;

Applicant’s Response: “The literal interpretation of the provisions of the Sign Ordinance would work an unnecessary and undue hardship on the Applicant. The literal interpretation of the Village signage code would not only create a financial burden but would require a cumbersome multi-agency review process when considering the impact to Palm Beach County Water Utility district improvements as well as existing site pavement, and landscape improvements. The Applicant was not involved in the construction process that yielded the drive aisle deviations and is incurring an existing condition that has been in its current orientation for more than 10 years. When considering the site improvements that would be required to bring the parking lot driving aisles up to code, based on relocation and reconstruction of existing pavement, landscaping, and utilities, it is estimated that the fees incurred by the developer would be upwards of \$2 Million dollars of rehabilitation. This would not only slow down, but take the focus off of the construction of the Integrated Care Center which will consist of the first hospital-based off campus emergency department to come to the Village of Royal Palm Beach for the benefit of its residents in medical emergencies.”

- That the exceptional and unique conditions and circumstances do not result from the actions of the developer;

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Applicant's Response: "The requested variances to do not result from the actions of the Applicant. As noted, the special conditions and circumstances are a result of the existing configuration of the site and deviations in the construction process from the approved plan dimensions."

- Granting the variance requested will not confer on the developer any special privilege that is denied by the regulations of other lands, structures or required subdivision improvements under similar conditions. No preexisting conditions on neighboring lands which are contrary to the regulations established in this chapter shall be considered grounds for the issuance of a variance;

Applicant's Response: "The granting of the variances will not confer any special privileges onto the Applicant. Any other applicant would be required to seek the same variances, if such existing circumstances existed, and were justified as such."

- The variance granted to be granted is the minimum variance that would make possible the reasonable use of the land, building or other improvement;

Applicant's Response: "The requested variances are the minimum variance needed to make a reasonable use of the land, building and structure. As previously mentioned, the Applicant is limiting proposed improvements to the affected area of the entry drive aisle, and the handicap accessible parking spaces and terminal islands immediately to the west of the entry drive aisle. The remainder of the parking lot is proposed to remain in its current condition. The variance is requested based on an existing condition, and not based on proposed improvements by the Applicant. As such, the minimum variance that will make possible the reasonable use of the land is being requested."

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

Applicant's Response: "Granting the requested variances will be in harmony with the general intent and purpose of the division. The variance allows 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."

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

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

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Based on the information provided, Village Staff generally agrees with the Applicant and given the error that occurred during the original construction of the site, 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. 24-101 (VAR) and Variance Order VC-24-07.

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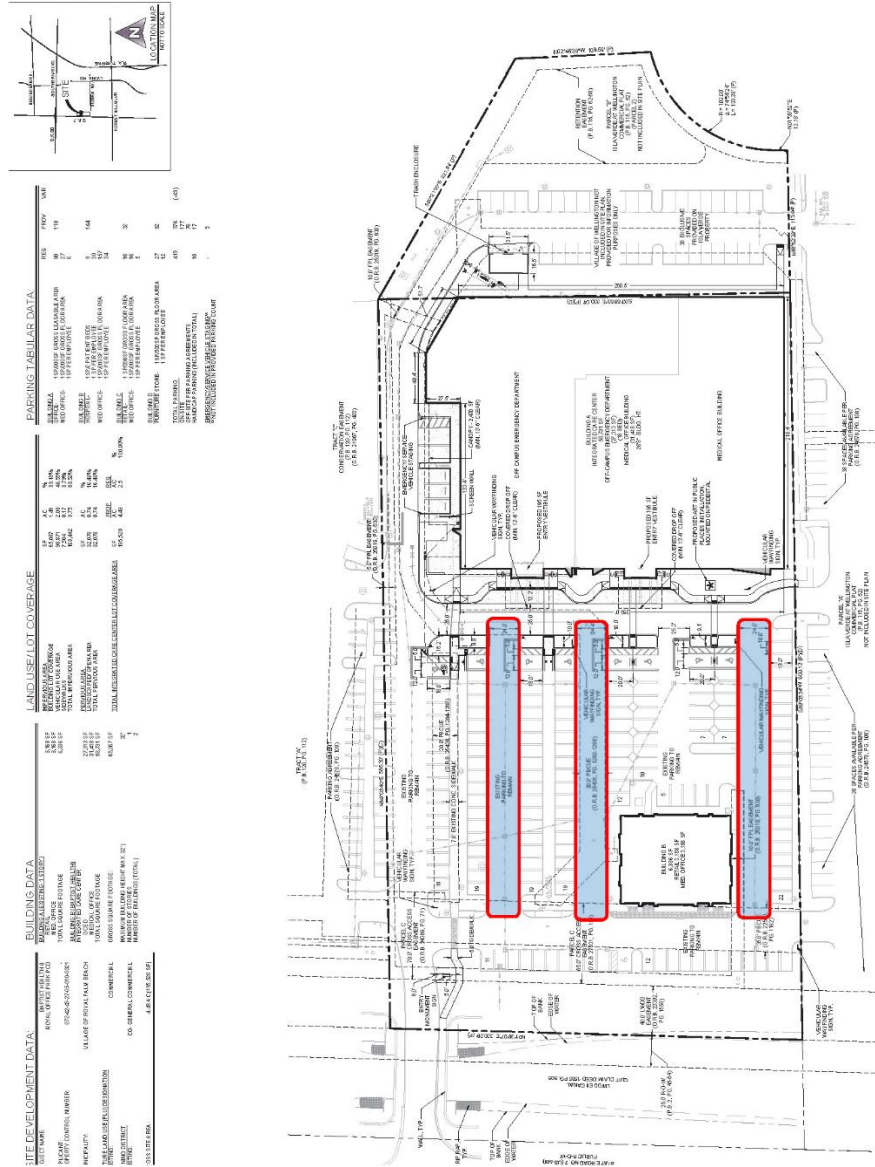
Attachment A

Baptist Health Integrated Care Center

Application No. 24-101 (VAR)

VC-24-07

Directly below is an illustration of the site plan highlighting the areas affected by the variance request.



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**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF ROYAL PALM BEACH
Chapter 22. Subdivision**

**CASE NO. VC-24-07
IN RE: Application No. 24-101(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 sections: Sec. 22-51(b)(12)e. to allow for a 24' drive aisle width for the 2nd and 5th drive aisle from the north where Village Code requires 25' and a 24.4' drive aisle width for the 3rd drive aisle from the north where Village Code requires 25'.
3. Under the provisions of Sec. 26-32(e) 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-24-07**, with reference to the above-mentioned property in the Village of Royal Palm Beach, Florida to permit variances to the following Code Sections:
Sec. 22-51(b)(12)e. to allow for a 24' drive aisle width for the 2nd and 5th drive aisle from the north where Village Code requires 25' and a 24.4' drive aisle width for the 3rd drive aisle from the north where Village Code requires 25' 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 22-66 (c) of the Village Code of Ordinances.

1. Exceptional and unique conditions and circumstances exist;
2. Exceptional and unique circumstances are not the result of actions of the developer;
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 chapter; 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. 24-101(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.