

Agenda Item # R - 11

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-019 (LW), AN APPLICATION BY URBAN DESIGN STUDIOS, FOR THE CONSIDERATION OF SEVEN (7) LANDSCAPE WAIVERS FOR POD 6 WITHIN MAIN STREET AT TUTTLE ROYALE INCLUDING WAIVERS TO ALLOW BUFFER ENCROACHMENT, OFF-CENTER TREE SPACING IN BUFFERS, INCREASED TREE SPACING IN DIVIDER STRIPS, SHORTER TERMINAL ISLAND LENGTHS, ELIMINATION OF TREES WITHIN CERTAIN TERMINAL AND DOUBLE TERMINAL ISLANDS, AS SET FORTH MORE SPECIFICALLY BELOW, FOR A PROPERTY LOCATED SOUTH OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (US 441).

The Applicant is requesting seven (7) landscape waivers for Pod 6 within the Main Street at Tuttle Royale Mixed Use Social Center, for a property located south of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). Please see below for a brief description of the requested Waivers and their locations. Also below is the Applicants Justification for each Waiver request and Staff's recommendation for each:

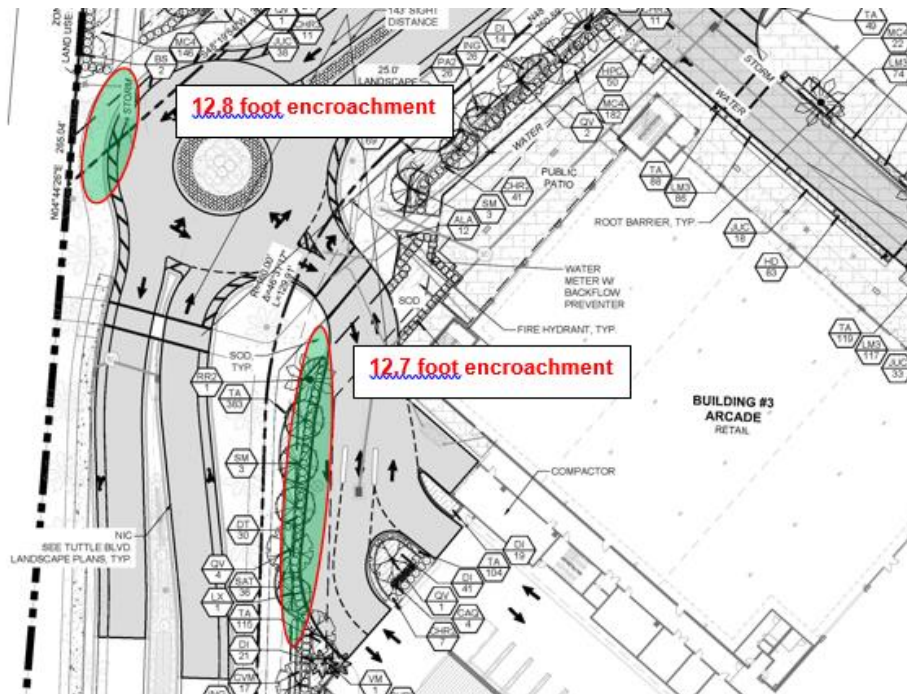
Waiver #1:

Waiver from Sec. 15-131(b) to allow a 12.7 and 12.8 foot drive aisle encroachment into the western 25 foot landscape buffers. The purpose of Waiver #1 is to allow a 12.8 foot drive aisle encroachment into the required 25 foot Perimeter Landscape Buffer south of Building 8 and a 12.7 drive aisle encroachment into the required 25 foot Perimeter Landscape Buffer west of Building 3. Please see below the areas of these encroachments.

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Director of P & Z	Approval	4-20-2023	Action

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Directly Below is an illustration showing the location of the Waiver #1 request.



The Applicant Contends: “The existing drive aisle configurations managed to stay outside of the landscape buffer but also raised concerns in the staff review process that there would be a conflict with the location of the southern roundabout on Tuttle Blvd in which the drive aisle was designed to turn into. To address this concern, the roundabout has been reworked to encroach into the landscape buffer to allow a safer and more efficient traffic flow. The 12.7’ drive aisle encroachment directly west of building 3 also was designed to improve the ingress into Garage 3 with a revised geometry that makes for a more naturally angled turn into Garage 3. The intent of the landscape buffers continue to be met with both drive aisle encroachments as the landscaping being lost in the areas is being offset by enhanced landscaping provided in the open area south of the drive aisle. The residential property to the west also has a landscape buffer on its site providing screening and privacy to those units. Similarly to waiver requests also contain sufficient planting to screen the view of the garage and entry drive from Tuttle Blvd.”

Staff Recommendation: Staff is recommending Approval of Landscape Waiver #1 and generally concurs with the Applicant’s assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

Waiver #2:

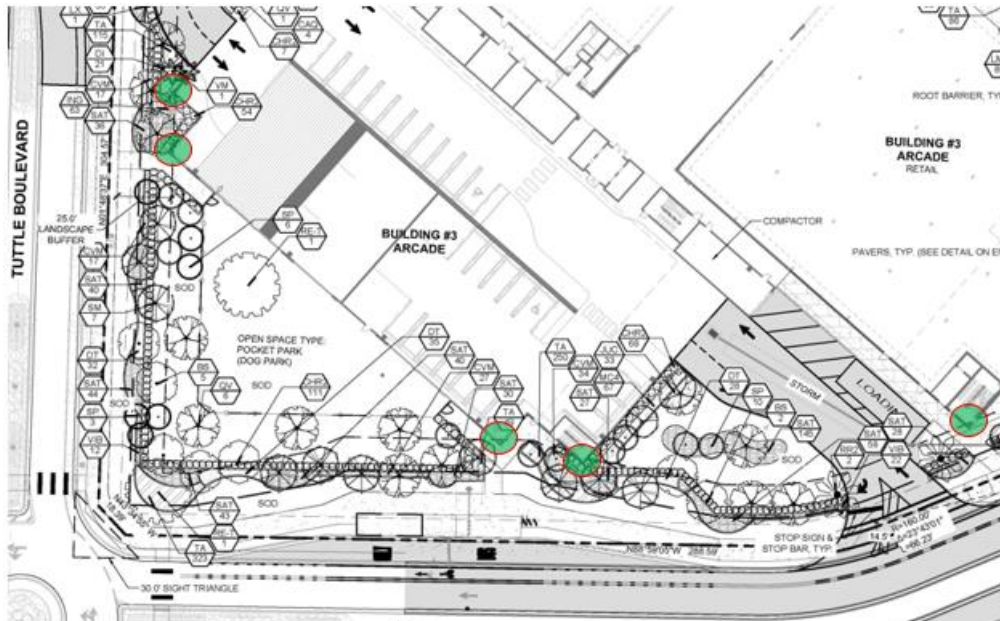
Waiver from Sec. 15-131 (c) to allow the encroachment of Building 3 into the Perimeter Landscape Buffers. The purpose of Waiver #2 is to allow the encroachment of Building 3

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into the Perimeter Landscape Buffers along Tuttle Boulevard to the west and Erica Boulevard to the south at five (5) locations. Encroachment 1 is 0.5 feet and Encroachment 2 is 2.1 feet along Tuttle Boulevard; Encroachment 3 is 2.6 feet; Encroachment 3 is 2.2 feet, and Encroachment 3 is 2.7 feet along Eric Boulevard.

Please see below the areas of these encroachments for Waiver #2 highlighted in green.



The Applicant Contends: *“The building envelope and sizes are necessary to allow the design of code compliant parking dimensions and drive aisle dimensions, as such the design of the Building 3 garage increased. Although the garage encroaches in these designated areas, landscape plantings are not negatively affected and the plant material as proposed will not be impeded in properly screening the subject property from the Erica Blvd and Tuttle Blvd rights of way.”*

Staff Recommendation: Staff is recommending Approval of Landscape Waiver #2 and generally concurs with the Applicant’s assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

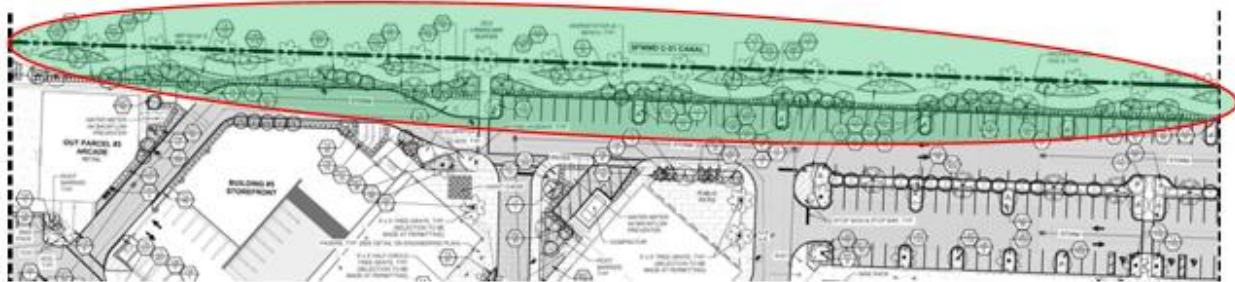
Waiver #3:

Waiver from Sec. 15-131 (d)(3) to allow for the required canopy trees to be placed not on center within the northern Perimeter Landscape Buffer along Southern Boulevard east of Tuttle Boulevard where Village Code requires canopy trees to be spaced 20 feet on center.

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Please see below an illustration of the landscape pattern for the Perimeter Landscape Buffer along Southern Boulevard east of Tuttle Boulevard for Waiver #3.



The Applicant Contends: *“The intent of the code is being met as the overall canopy tree quantity requirement in the northern perimeter buffer is being met with 110 trees required within the 2,194’ buffer length, with the average spacing also being met at 20’ per tree over the 2,194’ buffer length. The specific waiver request is to the requirement that the trees are planted “on-center”. Canopy trees at varying heights and species are provided to complement the Royal Palms along the northern perimeter buffer in the pockets of landscaped area south of the 10’ undulating shared-use path, however undulation of the multi-use walking path prevents the consistent spacing of the planted trees with the exception of the Royal Palms from being planted on center. The canopy trees along the undulating path are instead planted in converged pockets of space where available along the path. The walking path also provides a recreational benefit for residents of Main Street at Tuttle Royale to enjoy and stay active on. As mentioned previously, the intent of the code is still being met as the tree quantity required per section 15-131 (d)(3) is still being met at 110 trees required and 110 trees provided.”*

Staff Recommendation: Staff is recommending Approval of Landscape Waiver #3 and generally concurs with the Applicant’s assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

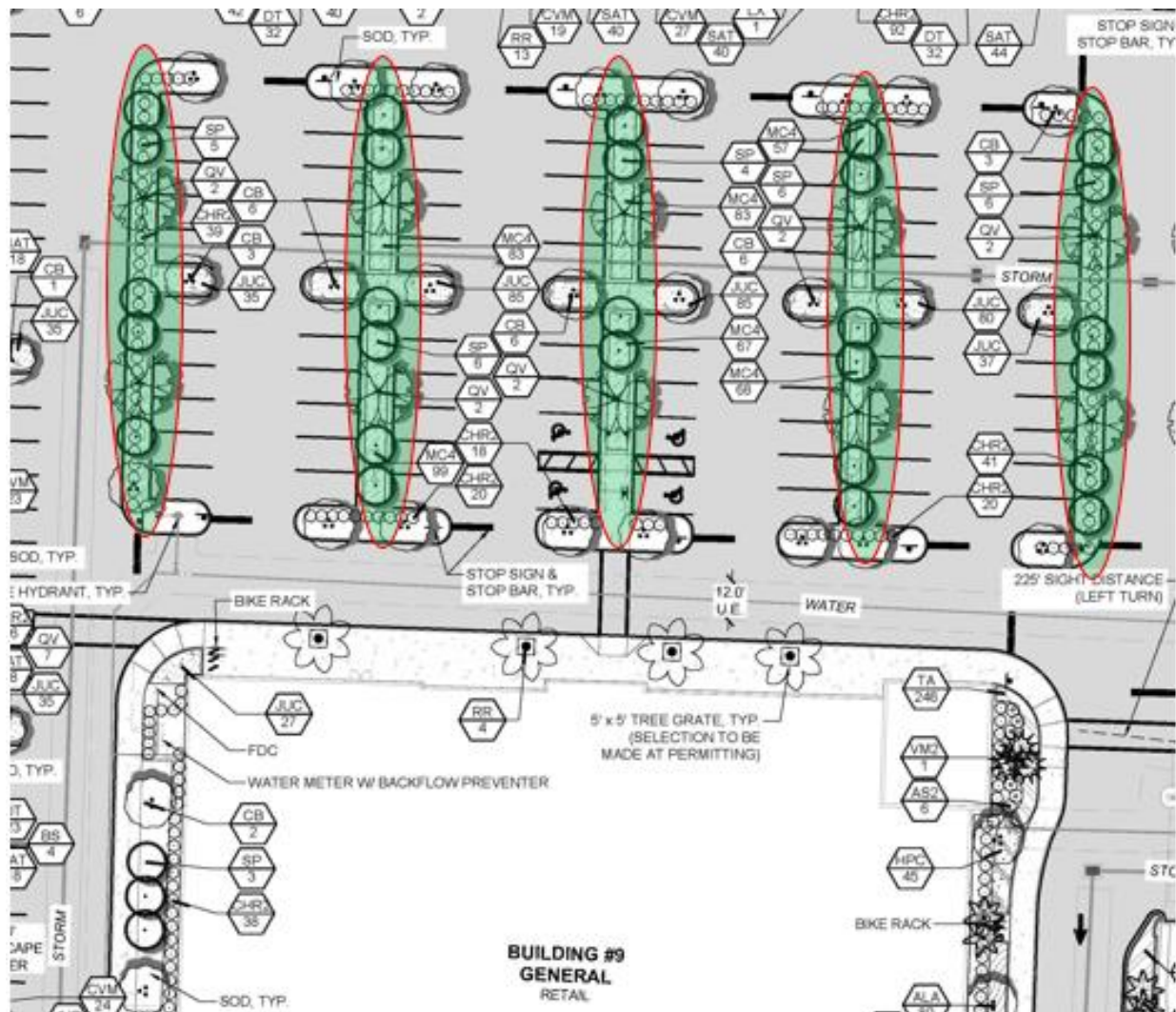
Waiver #4:

Waiver from Sec. 15-133 (b)(2) to allow an increase of the canopy tree spacing within the Perpendicular Divider Strips of up of 61 feet north of building 9; up to 59.9 feet north of Building 10; up to 65 feet north of Building 12, where Village Code requires canopy trees to be spaced a minimum of one (1) tree every 15 feet.

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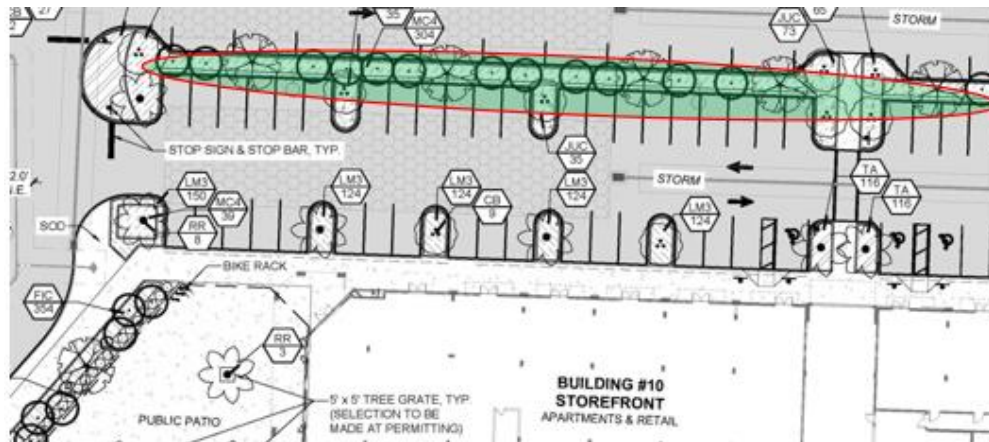
Please see below an illustration of the landscape pattern for the Perpendicular Divider Strips north of Building 9 and highlighted in green.



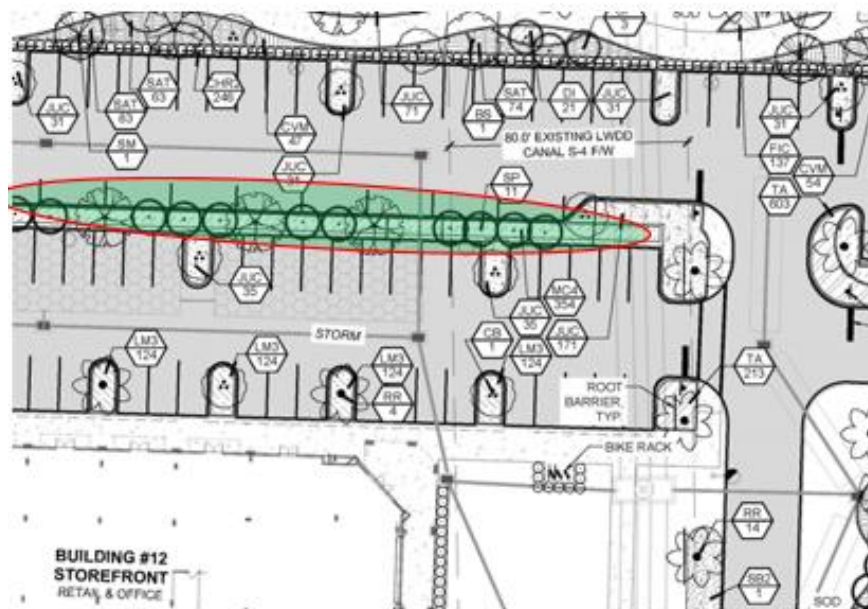
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Please see below an illustration of the landscape pattern for the Perpendicular Divider Strips north of Building 10 and highlighted in green.



Please see below an illustration of the landscape pattern for the Perpendicular Divider Strips north of Building 12 and highlighted in green.



The Applicant Contends: *“The Applicant intends to use oaks within these divider medians in order to provide a richer and denser canopy throughout the parking areas and increase shade throughout. The code minimum of 15’ spacing restricts the ability to plant oaks in these areas since 15’ spacing would constrict and impact the room needed for root growth of trees of this quality. This allows the planting of oaks with safe root growth to further enhance the parking area landscaping. Sabal palms of varying heights are also being planted to fill in gaps in between the oak tree plantings. The sabal palms planted in between the Live Oaks do not count toward the tree quantity requirement in*

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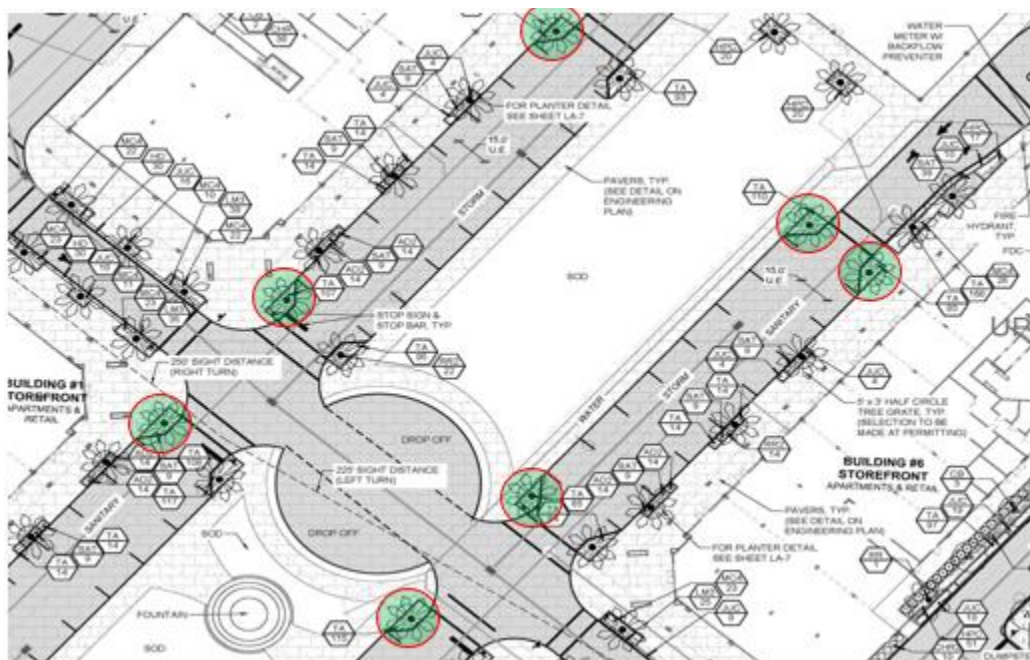
the landscape strip since they are not classified as canopy trees, however, they still provided added benefit in offering shade and enhanced landscaping along the parking area divider strips. It is also worth noting that waiver request 4A is required due to utility routing of the storm water drain north of Building 9 which intersects divider medians. This waiver allows the oaks to be planted with spacing that doesn't interfere with the stormwater drain and root growth."

Staff Recommendation: Staff is recommending Approval of Landscape Waiver #4 and generally concurs with the Applicant's assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

Waiver #5:

Waiver from Sec. 15-133 (d)(1) to allow Terminal Landscape Island for parallel parking rows to be less than the length of a parking space. The purpose of Waiver #5 is to allow Terminal Landscape Island ranging from 10.2 feet to 17.1 feet in length where Village Code requires Terminal Landscape Island to be a minimum of 20 feet in length resulting in a reduction between 2.9 feet and 9.8 feet in length. The parallel parking areas along the square will be the subject of Waiver #5.

Please see below an illustration of the landscape pattern of the Terminal Landscape Island for the parallel parking areas along the square and are highlighted in green.



The Applicant Contends: *"The terminal islands located at the ends of each parking row will be large enough to allow the planting of trees despite the substandard sizing. The stop signs have also been designed to be located in such a way that the tree plantings will be allowed to grow in a safe manner, meeting the intent of the landscape island. The*

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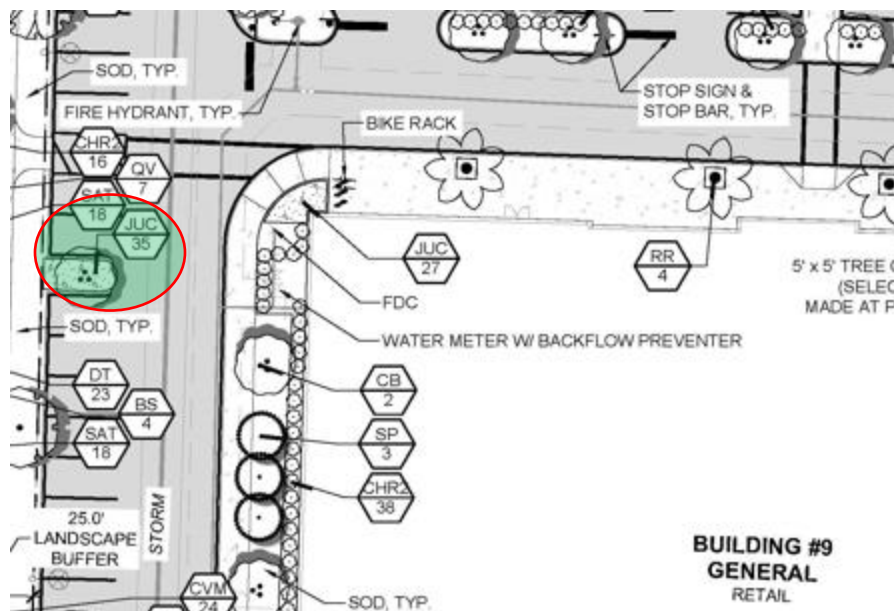
cut out in the required size of the island is also due to the required space needed for the cars in the parallel spaces to properly pull out of the space.”

Staff Recommendation: Staff is recommending Approval of Landscape Waiver #5 and generally concurs with the Applicant’s assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

Waiver #6:

Waiver from Sec. 15-133 (d)(3) to allow the elimination of the required tree within the terminal islands at various locations. The purpose of Waiver #6 is to allow the elimination of one (1) canopy tree within the Terminal Landscape Island in four (4) locations.

Location 1 is the Terminal Landscape Island located furthest south and furthest west of the parking area north of Building 9. A fire hydrant is planned in this location which inhibits the ability to plant a tree within this Terminal Landscape Island. Directly below is an illustration showing the location highlighted in green.

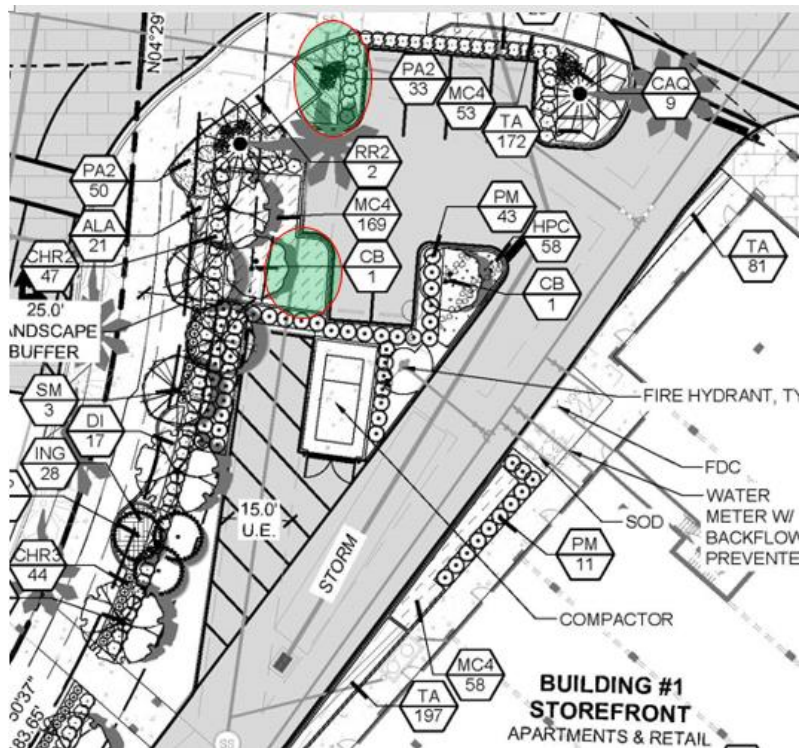


Locations 2 and 3 are the Terminal Landscape Islands located west of a row of four (4) parking spaces and west of a row of two (2) parking spaces, situated to the west of Building 1. A Utility Easement is planned in these locations which inhibits the ability to plant a tree within these Terminal Landscape Islands.

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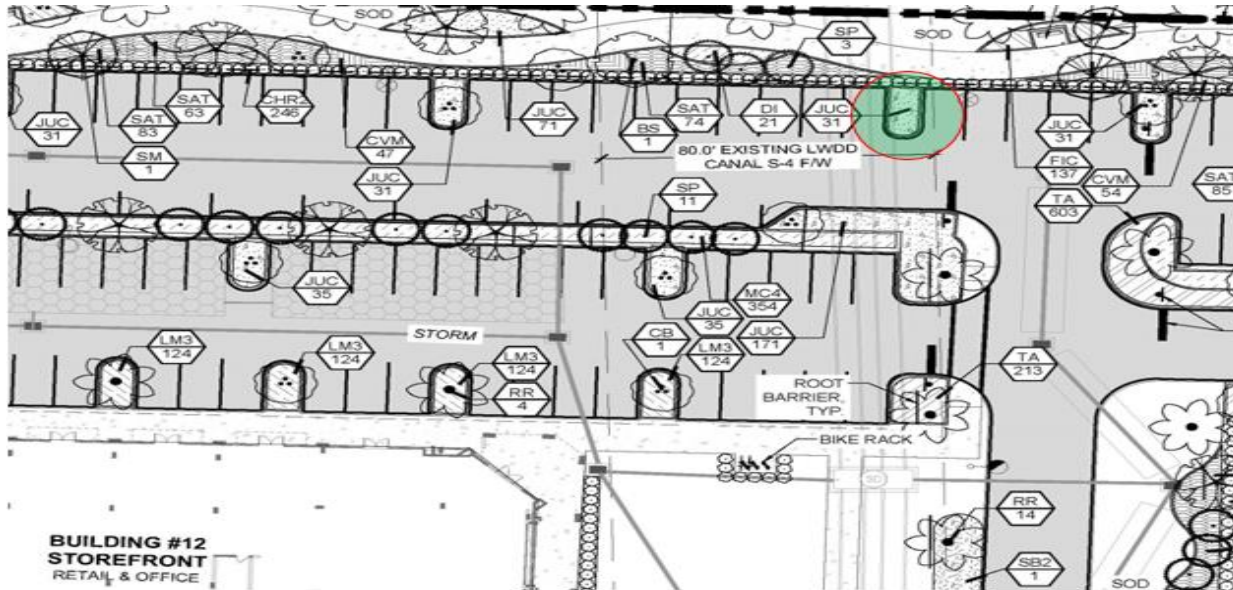
Directly below is an illustration showing the location of this Terminal Landscape Island and is highlighted in green.



Location 4 is the Landscape Island located northeast of Building 12 in the row of parking spaces directly south of the Landscape Buffer along Southern Boulevard. A Utility Easement is planned in this location which inhibits the ability to plant a tree within this Landscape Island. Directly below is an illustration showing the location of this Terminal Landscape Island and is highlighted in green.

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The Applicant Contends: “Code compliant trees are proposed in all other terminal islands on the site, with the exception of the specific islands highlighted in the waiver request which are inhibited by utilities which would impact the root growth of any tree planted there and required separation from any storm drain to the tree trunk.”

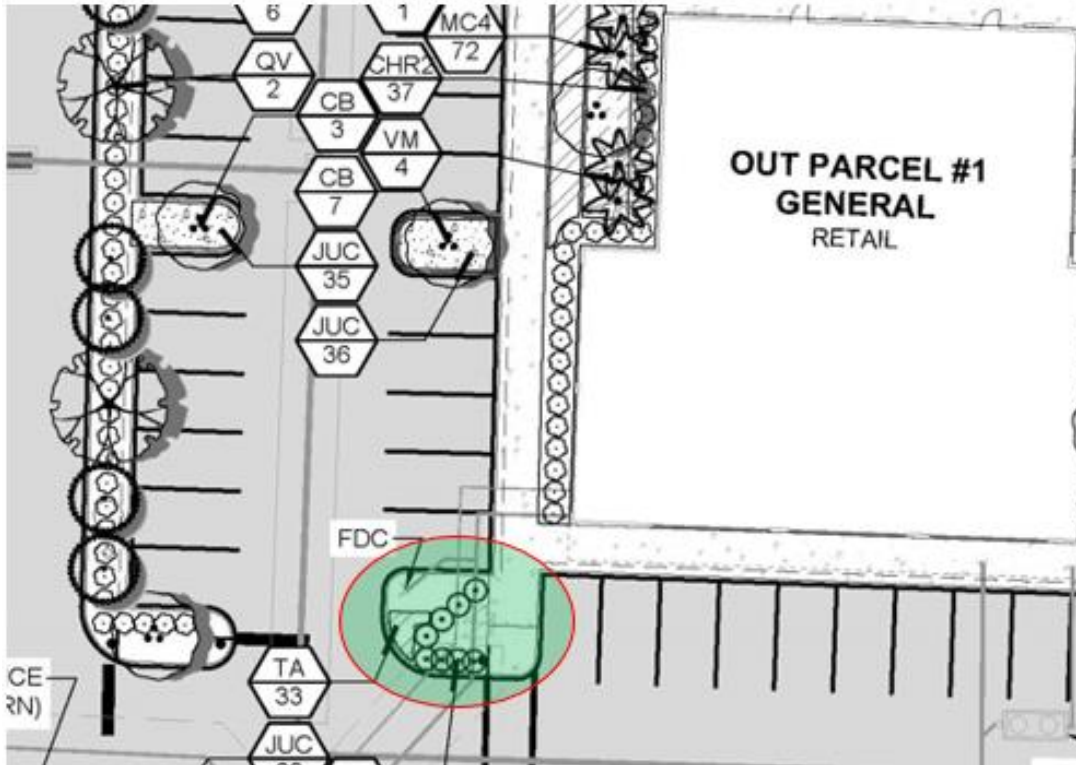
Staff Recommendation: Staff is recommending Approval of Landscape Waiver #6 and generally concurs with the Applicant’s assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

Waiver #7:

Waiver from Sec. 15-133 (d)(3) to eliminate the required trees within the double terminal island for the island southwest of Building OP- 1. The purpose of Waiver #7 is to allow the elimination of two (2) canopy tree within the Double Terminal Landscape Island located southwest of Building OP-1. Various mechanical equipment is planned in this location which inhibits the ability to plant a tree within this Landscape Island. Directly below is an illustration showing the location of this Terminal Landscape Island and is highlighted in green.

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The Applicant Contends: “Code compliant trees are proposed in all other double terminal islands on the site. This specific island is inhabited by utilities which could impact the root growth of any tree planted there.”

Staff Recommendation: Staff is recommending Approval of Landscape Waiver #7 and generally concurs with the Applicant’s assessment. Staff believes that this is the minimum waiver necessary to allow reasonable use of the property.

The Planning and Zoning Commission will consider this Application at their April 17, 2023 meeting.

Recommended Action:

Staff is recommending Approval of Application No. 23-019 (LW) and Landscape Waiver Order No. LW-23-02.

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

CASE NO. LW-23-02

**IN RE: Application No. 23-019(LW) – Main Street at Tuttle Royale
 LLC POD 6**

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 April 20, 2023, 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 MXS Mixed Use Social Center 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 seven (7) landscape waivers from the Village of Royal Palm Beach Code of Ordinances at: 1) Sec. 15-131(b) to allow for a reduced landscape buffer of 12.2 feet at the roundabout south of Building 8 and 12.3 feet west of the entrance to Building 8 where Village Code requires 25 feet, a waiver of 12.8 and 12.7 feet, respectively; 2) Sec. 15-131(c) to allow for a reduced perimeter landscape buffer of 24.5 and 22.9 feet on the southeast corner of Building 3 and 22.4, 22.8 and 22.3 feet south of Building 3 where Village Code requires 25 feet, a waiver of 0.5, 2.1, 2.6, 2.2

and 2.7 feet, respectively; 3) Sec. 15-131(d)(3) to allow for the required canopy trees to be placed not on center within the northern perimeter buffer of Tuttle Boulevard where Village Code requires a minimum of one tree every 20 feet on center; 4) Sec. 15-133(b)(2) to allow for only two (2) canopy trees at increased spacing within the 122 foot perpendicular divider strip north of Building 9, seven (7) canopy trees at increased spacing within the 416.5 foot perpendicular divider strip north of Building 10 and seven (7) canopy trees at increased spacing within the 455 foot perpendicular divider strips north of Building 12 where Village Code requires one tree every 15 feet, a waiver of 6, 21, and 23 canopy trees at 46, 44.5 and 50 foot spacing, respectively; 5) Sec. 15-133(d)(1) to allow for reduced terminal island lengths of 10.2 to 17.1 feet in front of the buildings on the square where Village Code requires each terminal island to be at least the length of one parking space, a waiver of 2.9 to 9.9 feet, respectively; 6) Sec. 15-133(d)(3) to allow for zero trees to be planted in the southwestern-most terminal islands north of Building 9 where Village Code requires one (1) tree, a waiver of one (1) tree; and 7) Sec. 15-133(e)(3) to allow for zero trees to be planted within the double terminal island at the southwest corner of Building OP-1 where Village Code requires two (2) trees, a waiver of two (2) trees.

3. As allowed by Sec. 26-61(i) 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 Village Code, 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-23-02**, with reference to the Main Street at Tuttle Royale LLC POD 6 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 26-61(i) of the Village Code of Ordinances.

Done and ordered this 20th day of April, 2023.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Main Street at Tuttle Royale LLC POD 6
Application No. 23-019(LW)
LW-23-02

LEGAL DESCRIPTION:

ENTERTAINMENT CENTER LEGAL (POD 6 A, B, & C)

A PARCEL OF LAND BEING ALL OF TRACTS DT-1 AND DT-2 OF THE PLAT OF TUTTLE ROYALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGE 101 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH A PORTION OF TRACT 9 AND 10, BLOCK 9 OF PALM BEACH FARMS PLAT NO.3 AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING 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 1319.62 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL (C-51) SAID LINE BASED ON A LETTER FROM BLAIR LITTLEJOHN (COUNSEL TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT), TO JERALD CANTOR ESQ. DATED NOVEMBER 29, 2000 (VERIFIED BY MEETING WITH SFWMD MARCH 2007); THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE, S83°44'24"E A DISTANCE OF 627.16 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, S01°30'19"W A DISTANCE OF 10.19 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL (C-51), SAID LINE AS SHOWN ON THE C-51 CANAL RIGHT-OF-WAY MAP CONTRACT NO. CN04901-2003; THENCE S88°52'41"E, A DISTANCE OF 110.68 FEET TO A FOUND RIGHT-OF-WAY MONUMENT; THENCE CONTINUE ALONG SAID C-51 RIGHT-OF-WAY LINE S87°52'10"E A DISTANCE OF 1963.46 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID C-51 RIGHT-OF-WAY S87°52'10"E A DISTANCE OF 36.50 FEET; THENCE CONTINUE ALONG SAID C-51 RIGHT-OF-WAY THE FOLLOWING TWO CALLS S88°13'01"E A DISTANCE OF 957.09 FEET; THENCE S88°18'13"E A DISTANCE OF 210.43 FEET TO A POINT ON THE WESTERLY LINE OF THE PLAT OF LOWE'S HOME CENTER AS RECORDED IN PLAT BOOK 87, PAGE 193 OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG SAID WESTERLY LINE S01°41'47"W A DISTANCE OF 320.01 FEET; THENCE LEAVING SAID WESTERLY LINE N88°18'13"W A DISTANCE OF 154.82 FEET TO A POINT ON THE EASTERLY LINE OF AN 80 FOOT WIDE LAKE WORTH DRAINAGE DISTRICT CANAL EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 937, PAGE 382, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY LINE S01°05'13"E A DISTANCE OF 15.60 FEET TO A POINT ON THE NORTHERLY LINE OF TRACT DT-3 OF SAID PLAT OF TUTTLE ROYALE; THENCE ALONG SAID NORTHERLY LINE N88°33'11"W A DISTANCE OF 1048.97 FEET; THENCE LEAVING SAID NORTHERLY LINE N01°31'44"E A DISTANCE OF 341.89 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 41.135 ACRES MORE OR LESS.