

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION NO. 20-116 (VAR) AND APPROVAL OF VARIANCE ORDER VC-22-03, AN APPLICATION BY D.R. HORTON, INC., TO ALLOW FOR 45-FOOT AND 50-FOOT RIGHT-OF-WAYS (PRIVATE ROADWAYS) IN LIEU OF THE REQUIRED 60-FOOT RIGHT-OF-WAY REQUIRED BY VILLAGE CODE SECTION 22-51 (B) (4) A., FOR A PROPERTY LOCATED NORTHWEST OF THE OKEECHOBEE BOULEVARD AND ROYAL PALM BEACH BOULEVARD INTERSECTION.**

**Issue:**

The Applicant is requesting a variance from the Village’s Code of Ordinances at Section 22-51 (b) (4) a. in order to allow the use of 45-foot and 50-foot wide right-of-ways (private roadways) in lieu of the Village Code required 60-foot wide public right-of-way width.

Village Code Sec. 22-66 (c) allows the Village Council to grant variances to the subdivision code when:

- Exceptional and unique conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other land, structures or required subdivision improvements;
- 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;
- The exceptional and unique conditions and circumstances do not result from the actions of the developer;
- The granting of 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;

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	6-15-2023	Action

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- A literal interpretation of the provisions of this chapter would deprive the developer of the rights commonly enjoyed by other lands or structures subject to these regulations and would work unnecessary and undue hardship on the developer;
- The variance to be granted is the minimum variance that would make possible the reasonable use of the land, building or other improvements;
- The grant of the variance will be in harmony with the general intent and purpose of this chapter; and
- The grant of the variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.

The Applicant contends that the 60-foot right-of-way requirement is typically for public roads and 45-foot and 50-foot rights-of-ways are standard for private internal roadways.

Village Staff is recommending approval of this request since it is a private roadway and this type of variance has been approved at other locations within the Village.

This item was originally considered by the Planning and Zoning Commission at its regular meeting on May 24, 2022 and was recommended for Approval by a vote of 4-0. At the request of the Applicant, this item was postponed at the June 16, 2022 Village Council meeting in order to revise the Site Plan and Landscape Plan to include a 5-foot buffer along the west property line where the proposed plans at the time showed no buffer along the west property line.

Subsequently, the Planning and Zoning Commission at its regular meeting on May 23, 2023 recommended Approval of Application No. 20-116 (VAR) by a vote of 3-2, with Chairman Adam Miller and Commissioner Kara Cowser dissenting.

**Recommended Action:**

Staff is recommending Approval of Application No. 20-116 (VAR) and Variance Order VC-22-03.

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	6-15-2023	Action

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

**CASE NO. VC-22-03**  
**IN RE: Application No. 20-116 (VAR)**  
**Lakeside Landing @ NW of Okeechobee Boulevard and**  
**Royal Palm Beach Boulevard Intersection**

**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 RM-9 Multifamily Residential 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. 22-51 (b) (4) a. in order to allow the use of 45-foot and 50-foot wide right-of-ways (private roadways) in lieu of the Village Code required 60-foot wide public right-of-way width.
3. Under the provisions of Sec. 22-66 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 as set forth on the application documents.

5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:

The application for **Variance, VC-22-03**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Sec. 22-51 (b) (4) a. in order to allow the use of 45-foot and 50-foot wide right-of-ways (private roadways) in lieu of the Village Code required 60-foot wide public right-of-way width, is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

**The applicant meets the standards for a subdivision variance as set forth in Section 22-66 of the Village Code of Ordinances:**

1. Exceptional and unique conditions and circumstances exist;
2. Strict compliance with the regulations would deprive developer of rights commonly enjoyed by other properties with similar conditions;
3. Exceptional and unique conditions and circumstances are not the result of actions of the applicant;
4. No special privilege is conferred;
5. Literal interpretation would constitute an unnecessary and undue hardship;
6. This is minimum variance for reasonable use of land;
7. Is in harmony with the intent and purpose of this chapter; and
8. Will not be injurious to area or detrimental to the public welfare.

**Done and ordered this 15th day of June, 2023.**

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Mayor Fred Pinto  
Village of Royal Palm Beach

Attest:

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Diane DiSanto, Village Clerk

**Exhibit A**  
**Legal Description**  
**Application No. 20-116 (VAR)**  
**Lakeside Landing @ NW of Okeechobee Boulevard and Royal Palm Beach**  
**Boulevard Intersection**

DIRECTLY BELOW IS THE LEGAL DESCRIPTION:

LEGAL DESCRIPTION:

RECORD DESCRIPTIONS PER FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT OFFICE FILE NUMBER 149668-0183 BEARING AN EFFECTIVE DATE OF NOVEMBER 30, 2018, ISSUED BY NELSON MULLINS RILEY AND CASSEL.

PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF TRACT "C", WATERWAY PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND A PORTION OF THAT CERTAIN WATERWAY TRACT LYING NORTHERLY OF AND CONTIGUOUS TO TRACT "C", HAWTHORN II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 26, SAID PUBLIC RECORDS; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "C-2", WATERWAY PLAZA PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 71, PAGE 82, SAID PUBLIC RECORDS. THENCE, NORTH 88°23'14" WEST, ALONG THE BOUNDARY OF SAID TRACT "C-2", A DISTANCE OF 21.89 FEET; THENCE, SOUTH 46°36'46" WEST, CONTINUING ALONG SAID BOUNDARY FOR THIS AND THE NEXT FIVE COURSES, A DISTANCE OF 35.36 FEET; THENCE, SOUTH 01°36'46" WEST, A DISTANCE OF 7.48 FEET; THENCE, NORTH 88°23'14" WEST, A DISTANCE OF 204.10 FEET; THENCE, SOUTH 89°17'57" WEST, A DISTANCE OF 93.13 FEET; THENCE, NORTH 01°36'46" EAST, A DISTANCE OF 47.87 FEET; THENCE, NORTH 48°04'54" EAST, A DISTANCE OF 125.80 FEET; THENCE, NORTH 41°55'06" WEST, DEPARTING SAID BOUNDARY, A DISTANCE OF 54.81 FEET; THENCE, SOUTH 51°53'20" WEST, A DISTANCE OF 43.80 FEET; THENCE, SOUTH 53°56'46" WEST, A DISTANCE OF 82.10 FEET; THENCE, SOUTH 79°20'24" WEST, A DISTANCE OF 47.08 FEET; THENCE, NORTH 76°58'32" WEST, A DISTANCE OF 61.00 FEET; THENCE, NORTH 51°37'37" WEST, A DISTANCE OF 39.41 FEET; THENCE, NORTH 26°59'45" WEST, A DISTANCE OF 47.60 FEET; THENCE, NORTH 24°21'16" WEST, A DISTANCE OF 48.29 FEET; THENCE, NORTH 21°15'07" WEST, A DISTANCE OF 35.48 FEET; THENCE, NORTH 22°12'29" WEST, A DISTANCE OF 30.51 FEET; THENCE, NORTH 45°19'32" WEST, A DISTANCE OF 69.22 FEET TO A CORNER ON THE BOUNDARY OF SAID TRACT "C", OF WATERWAY PLAZA; THENCE, NORTH 82°40'37" WEST, ALONG SAID BOUNDARY, A DISTANCE OF 100.50 FEET; THENCE, SOUTH 85°54'09" WEST, CONTINUING ALONG SAID BOUNDARY FOR THIS AND THE NEXT FOUR COURSES, A DISTANCE OF 100.50 FEET; THENCE, SOUTH 88°45'01" WEST, A DISTANCE OF 100.12 FEET; THENCE, SOUTH 65°02'52" WEST, A DISTANCE OF 111.80 FEET; THENCE, SOUTH 39°10'53" WEST, A DISTANCE OF 147.33 FEET; THENCE, SOUTH 01°33'56" WEST, A DISTANCE OF 170.24 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID BOUNDARY, A DISTANCE OF 201.02 FEET; THENCE, SOUTH 01°36'46" WEST, A DISTANCE OF 306.04 FEET TO A CORNER ON SAID BOUNDARY; THENCE, SOUTH 88°23'14" EAST, ALONG SAID BOUNDARY, A DISTANCE OF 485.92 FEET; THENCE, NORTH 01°36'46" EAST, CONTINUING ALONG SAID BOUNDARY FOR THIS AND THE REMAINING THREE COURSES, A DISTANCE OF 285.00 FEET; THENCE, SOUTH 88°23'14" EAST, A DISTANCE OF 419.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 48.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°13'42", A DISTANCE OF 33.70 FEET TO THE END OF SAID CURVE; THENCE, NORTH 01°36'46" EAST, A DISTANCE OF 95.84 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING IN TRACT "C", WATERWAY PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 223.60 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE OF TRACT "C", A DISTANCE OF 434.61 FEET; THENCE SOUTH 88°23'14" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 200.65 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT "C", THENCE, SOUTH 01°36'46" WEST, ALONG SAID EAST LINE, A DISTANCE OF 434.61 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 200.29 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING TRACT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 223.60 FEET FOR A POINT OF BEGINNING. THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE A DISTANCE OF 15.74 FEET; THENCE, NORTH 88°10'42" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 200.67 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT "C"; THENCE, SOUTH 01°36'46" WEST, ALONG SAID EAST LINE, A DISTANCE OF 27.76 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 200.29 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND LYING IN TRACT "C", WATERWAY PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C"; THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 658.21 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE, A DISTANCE OF 21.81 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 200.67 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT "C"; THENCE, SOUTH 01°36'46" WEST, ALONG SAID EAST LINE, A DISTANCE OF 21.81 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 200.65 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A PARCEL OF LAND LYING IN TRACT "C", WATERWAY PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C", THENCE, NORTH 01°33'56" EAST, ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 680.02 FEET FOR A POINT OF BEGINNING. THENCE, CONTINUE NORTH 01°33'56" EAST, ALONG SAID WEST LINE, A DISTANCE OF 434.20 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 201.02 FEET; THENCE, SOUTH 01°36'46" WEST, A DISTANCE OF 306.04 FEET TO A BOUNDARY CORNER ON THE EASTERLY BOUNDARY OF SAID PLAT; THENCE, CONTINUE SOUTH 01°36'46" WEST, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 128.16 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING SAID EASTERLY BOUNDARY, A DISTANCE OF 200.67 FEET TO THE POINT OF BEGINNING.