

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER LANDSCAPE WAIVER APPLICATION NO. 23-041 (LW) AND APPROVAL OF ORDER LW-23-03, AN APPLICATION BY FRANK BAYNHAM, REDD & ASSOCIATES FOR CONSIDERATION OF THREE (3) LANDSCAPE WAIVERS FROM: (1) SEC. 15-131(B)(1) TO ALLOW FOR A 20-FOOT LANDSCAPE BUFFER WHERE VILLAGE CODE REQUIRES 25 FEET; (2) SEC. 15-131(B)(2) TO ALLOW FOR A 0-FOOT BERM WITHIN CERTAIN AREAS OF THE LANDSCAPE BUFFERS WHERE VILLAGE CODE REQUIRES A THREE (3) FOOT BERM; AND (3) SEC. 15-131(B)(3) TO ALLOW FOR GREATER THAN 20-FOOT SPACING OF CANOPY TREES WITHIN THE WEST BUFFER WHERE VILLAGE CODE REQUIRES CANOPY TREES TO BE SPACED A MAXIMUM OF 20-FEET ON CENTER, FOR A PROPERTY LOCATED AT 600 BUSINESS PARKWAY.**

**Issue:**

The applicant, Frank Baynham, Redd & Associates, is requesting Landscape Waiver Approval for three (3) landscape waivers from: 1) Sec. 15-131(b)(1) to allow for a 20-foot landscape buffer where Village Code requires 25 feet, a waiver of five (5) feet along the length of the buffer to allow emergency access; 2) Sec. 15-131(b)(2) to allow for a 0-foot berm within certain areas of the landscape buffers where Village Code requires a three (3) foot berm, a waiver of three (3) feet; and 3) Sec. 15-131(b)(3) to allow for greater than 20-foot spacing of canopy trees within the west buffer where Village Code requires canopy trees to be spaced a maximum of 20-feet on center, for a property located at 600 Business Parkway.

For a brief description of these three (3) Waivers and their locations, please see below. Also below is the Applicant’s justification and Staff’s recommendation for each waiver.

**Waiver #1:**

Sec. 15-131(b)(1) to allow for a 20-foot landscape buffer where Village Code requires 25 feet, a waiver of five (5) feet within certain areas of the Perimeter Landscape Buffer along the south property line. This buffer will contain all required landscape material and three (3) foot high berm. This waiver is to accommodate a Stabilized Fire Truck Access. Please refer to **Attachment A** for an illustration showing the location of the encroachment.

The Applicant Contends: “This is to avoid existing conditions (vegetation, utilities, site elements, etc.) while accessing the southwest corner of the existing building.”

---

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	7-13-2023	Action

---

Staff Recommendation: Staff is recommending Approval of the requested 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:**

Sec. 15-131(b)(2) to allow for a 0-foot berm within certain areas of the landscape buffers where Village Code requires a three (3) foot berm, a waiver of three (3) feet. The Applicant is proposing to eliminate the three foot berm entirely within the Perimeter Landscape Island along the east property line and in certain areas along the Perimeter Landscape Island along the west and north property lines. The required three (3) foot berm will be provided within the Perimeter Landscape Buffer along the south property line. For an illustration showing the locations the berm will be eliminated, please refer to **Attachment B**.

The Applicant Contends: "Due to existing vegetation in the west and north, a landscape waiver has been requested to maintain the existing grades in some areas to not adversely impact the native vegetation. Therefore, the berm would not be contiguous, but would extend to the greatest extent possible without impacting the native canopy."

Staff Recommendation: Staff is recommending Approval of the requested 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:**

Sec. 15-131(b)(3) to allow for greater than 20-foot spacing of canopy trees within the west buffer where Village Code requires canopy trees to be spaced a maximum of 20-feet on center. For an illustration showing the affected area of Waiver #3, please refer to **Attachment C**.

The Applicant Contends: "Due to existing vegetation in the west buffer, a landscape waiver has been requested to increase spacing of existing vegetation to 30-ft. on center. When combined with the proposed trees, the proposed average spacing in the west buffer is 25-ft. on-center. Please

Staff Recommendation: Staff is recommending Approval of the requested 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.

The Planning and Zoning Commission considered the application on June 27, 2023, and recommended Approval by a vote of 4-0.

**Recommended Action:**

Staff is recommending Approval of Application No. 23-041 (LW) and Order LW-23-03.

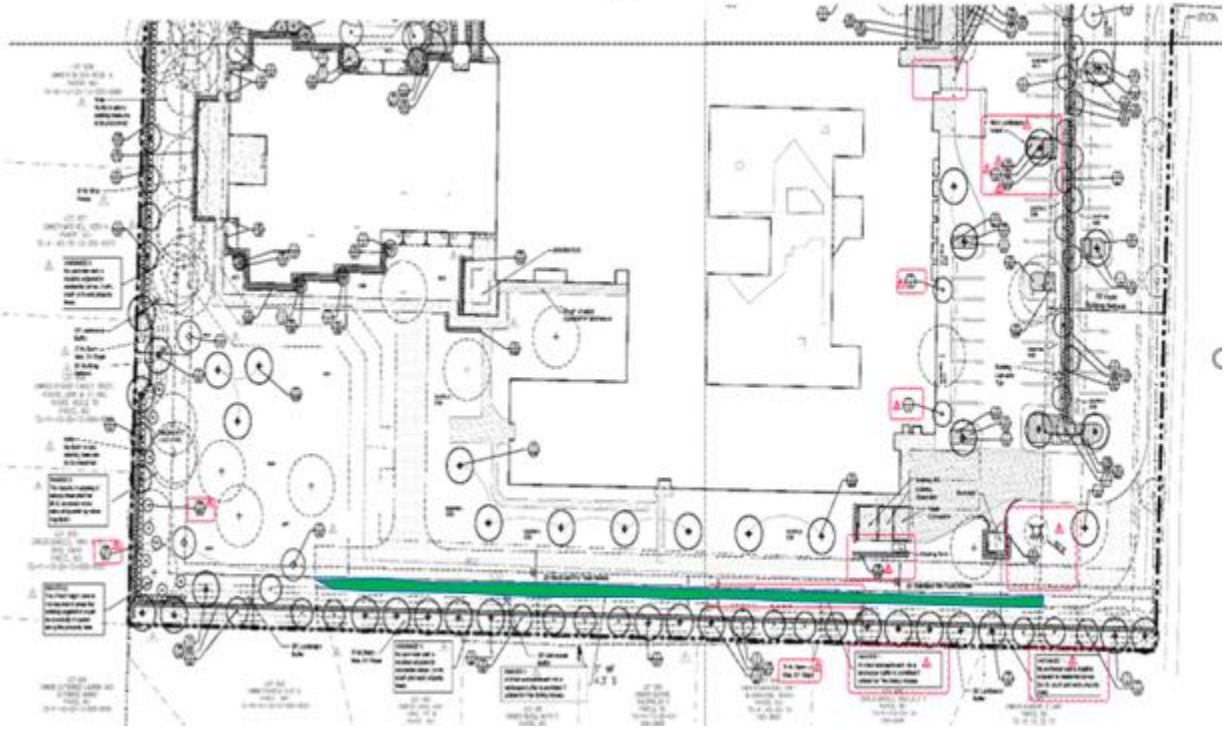
---

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	7-13-2023	Action

---

**Attachment A  
Waiver #1**

Directly below is an illustration of the Landscape Plan showing the location of the 5-foot encroachment of the Stabilized Fire Truck Access into the into the Perimeter Landscape Buffer along the south property line. This area is highlighted below in green. The zoom feature will aid in the review of this document.



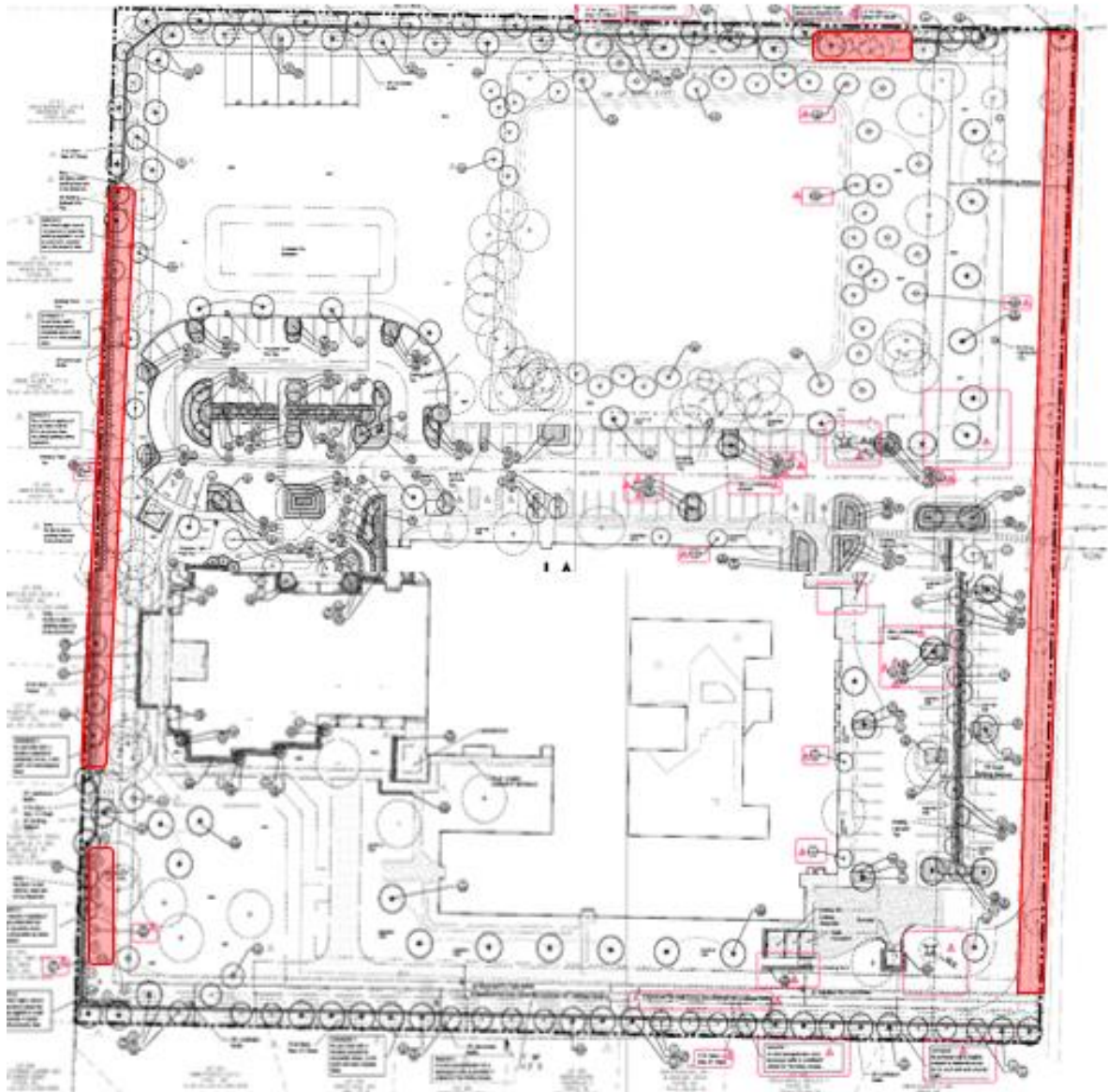
---

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	7-13-2023	Action

---

**Attachment B  
Waiver #2**

Directly below is an illustration of the Landscape Plan showing the locations where the berms are proposed to be eliminated. These areas are highlighted in red below. The zoom feature will aid in the review of this document.



---

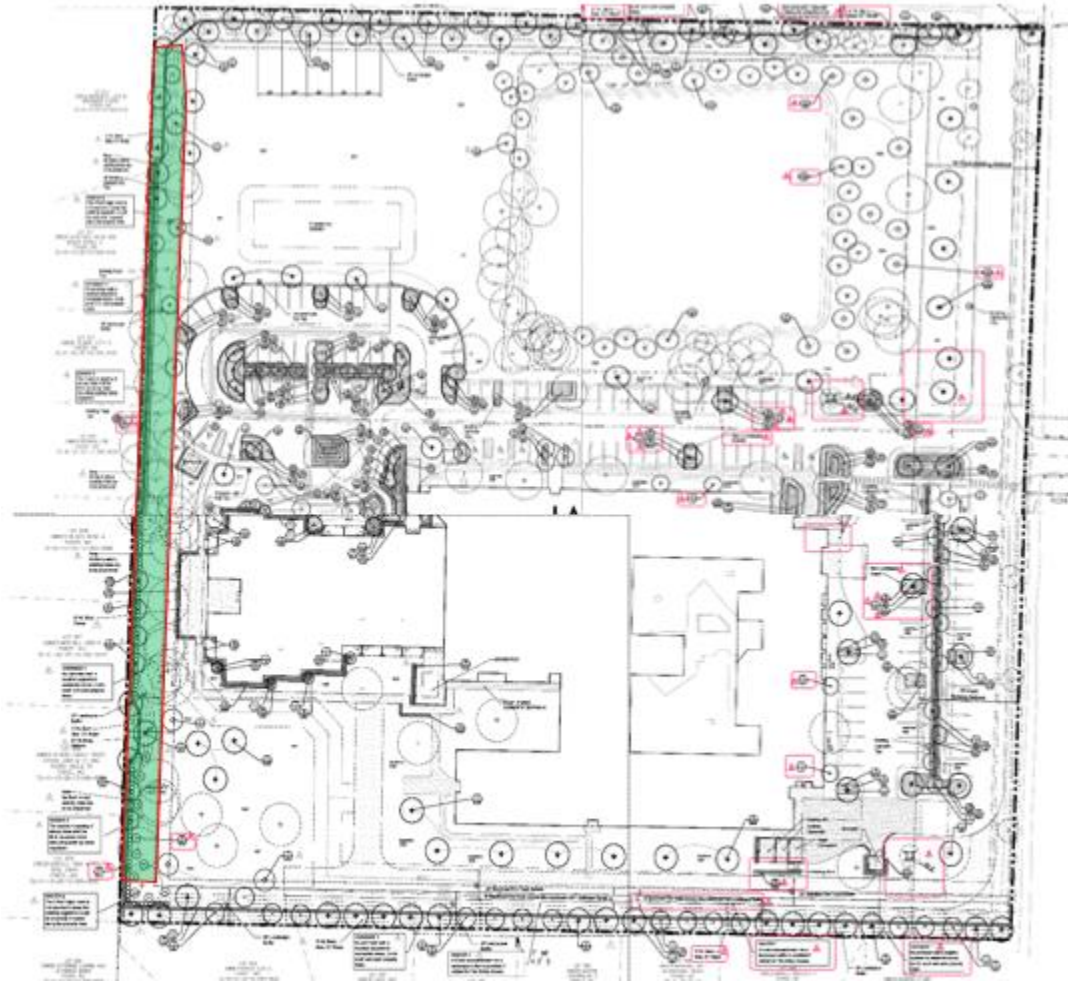
Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	7-13-2023	Action

---

P:\Business Parkway\Royal Manor Nursing Home aka RPB Health and Rehab Center (500 Business Pkwy)\23-041 (LW) Royal Palm Beach Health & Rehabilitation\Board Documents\AIS & Staff Report\Agenda Item Summary\23-041 (LW) RPB Health & Rehab. AIS VC.docx

**Attachment C  
Waiver #3**

Directly below is an illustration of the Landscape Plan showing the location where the spacing of the trees will be greater than 20 feet on center. This area is highlighted below in green. The zoom feature will aid in the review of this document.



---

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	7-13-2023	Action

---



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

**CASE NO. LW-23-03**

**IN RE: Application No. 23-041(LW) – RPB Health & Rehab @ 600  
Business Parkway**

**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 July 13, 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 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 waivers from the Village of Royal Palm Beach Code of Ordinances at 1) Sec. 15-131(b)(1) to allow for a 20-foot landscape buffer where Village Code requires 25 feet, a waiver of five (5) feet along the length of the buffer to allow emergency access; 2) Sec. 15-131(b)(2) to allow for a 0-foot berm within certain areas of the landscape buffers where Village Code requires a three (3) foot berm, a waiver of three (3) feet; and 3) Sec. 15-131(b)(3) to allow for greater than 20-foot spacing of canopy

trees within the west buffer where Village Code requires canopy trees to be spaced a maximum of 20-feet on center.

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-23-03**, with reference to the RPB Health & Rehab @ 600 Business Parkway 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 13th day of July, 2023.**

---

Mayor Fred Pinto  
Village of Royal Palm Beach

Attest:

---

Diane DiSanto, Village Clerk

**Exhibit A**  
**Legal Description**  
**RPB Health & Rehab @ 600 Business Parkway**  
**Application No. 23-041 (LW)**  
**LW-23-03**

Directly Below is the Legal Description:

PARCEL A:

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 41 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 25; THENCE SOUTH 02°02'31" WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 677.56 FEET; THENCE NORTH 88°55'39" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 658.92 FEET; THENCE NORTH 02°07'11" EAST, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 678.06 FEET; THENCE SOUTH 88°53'05" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 657.99 FEET TO THE POINT OF BEGINNING.

AND

PARCEL B:

NON-EXCLUSIVE RIGHTS OF INGRESS, EGRESS AND REGRESS TO VEHICLES AND PEDESTRIAN OVER AND ACROSS THAT CERTAIN PRIVATE ROAD KNOWN AS BUSINESS PARK WAY, AS SHOWN ON THE PLAT OF ROYAL PALM BEACH BUSINESS PARK, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 52, PAGE 71, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR THE BENEFIT OF PARCEL A, BY VIRTUE OF THE GRANT OF EASEMENT RECORDED IN OFFICIAL RECORD BOOK 4816, PAGE 1656, AS AFFECTED BY THE JOINDER AND CONSENT RECORDED IN OFFICIAL RECORD BOOK 5275, PAGE 979, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THOSE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY CONTAINED IN THE GRANT OF EASEMENT FOR INSTALLATION, MAINTENANCE, REPAIR AND USE OF ACCESS ROAD BRIDGE BY AND BETWEEN VILLAGE OF ROYAL PALM BEACH AND JORDEN HOLDINGS IV LLC DATED APRIL 15, 1999, RECORDED MAY 7, 1999 IN OFFICIAL RECORD BOOK 11095, PAGE 400, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.