



Agenda Item # R-9

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE PETITION OF CORPORATE CENTER WEST BY AGENT JAN POLSON, COTLEUR & HEARING, INC. AND APPROVAL OF VARIANCE ORDER NO. 07-01 TO ALLOW A MAXIMUM BUILDING HEIGHT OF 46 FEET IN LIEU OF THE REQUIRED MAXIMUM OF 32 FEET IN HEIGHT PERMITTED BY VILLAGE CODE SEC. 26-86(4)(c). THE SITE IS LOCATED ON THE NORTHEAST CORNER OF BELVEDERE ROAD AND STATE ROAD 7.**

**Issue:**

This request is for a variance from the provision of Royal Palm Beach Code of Ordinances Section 26-86(4)(c). The site is located on the northeast corner of Belvedere Road and State Road 7. The site plan indicates 3 buildings with a maximum height of 46 feet where the code requires 32 feet maximum height and thus requires a variance in order to be consistent with Village code. The site was recently annexed into the Village of Royal Palm Beach, the Palm Beach County Board of County Commissioners (PBCBCC) granted an approval of Multiple Use Planned Development (MUPD). This project meets all County requirements. The applicant is seeking variances to resolve the inconsistencies that exist between Palm Beach County and the Village of Royal Palm Beach Code of Ordinances.

**Recommended Action:**

Approval of petition 06-06 (VAR) thru the adoption of VC-07-01.

---

Initiator:	Village Manager Approval	Agenda Date	Village Council Action
Senior Planner		3-1-07	

**ORDER OF THE VILLAGE COUNCIL**  
**VILLAGE OF ROYAL PALM BEACH**

**CASE NO: VC 07-01**

**IN RE: Corporate Center West, 06-06 (D) (VAR) (VC-07-01)**

**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 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 Office commercial (CO) 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 seeks a **Variance** from Royal Palm Beach Code of Ordinances Sections 26-86(4)(c) of the Village Code, to allow a maximum building height of 46 feet in lieu of the required maximum of 32 feet in height permitted by Village Code.

3. Under the provisions of Sec. 26-32(f)(6), 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. This grant of variance shall automatically lapse if the variance is not utilized within one (1) year from the date of granting such variance.

6. In accordance with Sub-Section 26-66(d)(1) of the Village Code of Ordinances, the Council may grant two (2) time extensions of the variance for a period not to exceed a total of twelve (12) months upon the submittal of a request for extension by the applicant on forms prescribed by the Village prior to the expiration of the initial one (1) year period.

.

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

The application for **Variance NO. VC-07-01**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit the following: A maximum building height of 46 feet where the Village Code allows a maximum building height of 32 feet. inimum parcel size 2.0 acres down to 1.11 acres, a front setback of 48 feet, and a rear setback of 12 feet as set forth in Section 26-91(4)(a & C) of the Village Code.

Is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

**The applicant does meet the standards set forth in Section 26-32(f)(6). of the Village Code of Ordinances which are as follows:**

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. Minimum variance needed; and:
6. Will not be injurious to area or detrimental to the public welfare:

Done and ordered this **1st day of March, 2007**

---

Mayor David Lodwick  
Village of Royal Palm Beach

Attest:

---

Diane DiSanto  
Village Clerk

**Exhibit A  
Legal Description  
Corporate Center West (Posse)  
06-06 (D) (VAR)  
VC-07-01**

**LEGAL DESCRIPTION:**

**A parcel of land in Tract 13, Block 1, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, pages 45 to 54, inclusive, Palm Beach County, Florida, more particularly described as follows:**

**(For the purposes of this description, the North line of said Tract 13 is assumed to bear S 89°57'43" E and all other bearings herein are relative thereto.)**

**Commencing at the Northwest corner of said Tract 13, thence run easterly along the North boundary of said Tract 13 along a bearing of S 89°57'43" E for a distance of 68.66 feet to a point on the East right of way line of Lake Worth Drainage District Equalizing Canal No. 1 and the Northwest corner of that parcel conveyed to the State Road Department of Florida by the deed recorded in Official Records Book 551, page 242, Public Records of Palm Beach County, Florida; thence continue along the North line of said Tract 13, S 89°57'43" E a distance of 323.00 feet to the Northeast corner of said parcel conveyed to State Road Department of Florida and the Point of Beginning; thence continue along the North line of said Tract 13, S 89°57'43" E a distance of 567.85 feet to a point on the West line of the East 223.1 feet of said Tract 13; thence S 00°02'21" W, parallel with the East line of said Tract 13, a distance of 585.76 feet to a point on the North right of way line of Lake Worth Drainage District Lateral Canal No. 3 as recorded in Official Records Book 5207, page 353, Public Records of Palm Beach County, Florida, said right of way line being the North line of the South 75 feet of said Tract 13; thence N 89°57'57" W, parallel with the South line of said Tract 13, a distance of 875.66 feet to a point on a Reservation line to the Lake Worth Drainage District in Official Records Book 1994, page 1615, Public Records of Palm Beach County, Florida, said Reservation line being the East line of the West 110 feet of said Tract 13; thence N 02°36'21" E, parallel with the West line of said Tract 13, a distance of 316.43 feet; thence S 89°57'43" E, parallel with the North line of said Tract 13, a distance of 281.09 feet; thence N 02°42'12" E, parallel with the East right of way line of State Road No.7 as recorded in Deed Book 992, page 123, Public Records of Palm Beach County, Florida, a distance of 270.00 feet to the Point of Beginning.**

**CONTAINING 429,391 SQUARE FEET OR 9.86 ACRES, MORE OR LESS.**

**SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.**

**SUBJECT TO ALL PERTINENT MATTERS OF RECORD.**



# Village of Royal Palm Beach - Staff Report

**I. General Data:**

Project Name: Corporate Center West (Posse)

Application: 06-06 (D) (VAR) (Ord. No. VC-07-01)

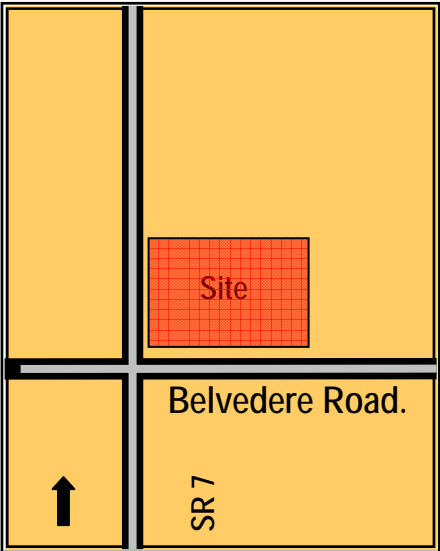
Applicant/Owner: Corporate Center West LLC.  
3801 PGA Boulevard  
Suite 600  
Palm Beach Gardens, FL 33410

Agent: Cotleur & Hearing, Inc.  
1934 Commerce Lane  
Jupiter, FL 33458

Request: Approval of a variance from the Site Development Standards of Section 26-86(4)(c) to allow a maximum building height of 46 feet in lieu of the required maximum of 32 feet in height permitted by Village Code. The site is located on the northeast corner of Belvedere Road and State Road 7.

Hearings: Planning and Zoning Commission: February 13, 2007  
Village Council: March 1, 2007

Recommendation: Approval



**II. Site Data:**

Site Area: 9.86 ± acres

Property Control Numbers: 00-42-43-27-05-001-0133

Existing Land Use: Vacant

Existing FLUM Designation: Commercial (COM, RPB)

Existing Zoning District: Office Commercial (CO, RPB)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	Breakers West	Low Residential (LR-2, PBC)	Single Family Res. (RS, PBC)
South	Walmart	Commercial (COM, RPB)	General Commercial (CG, RPB)
East	Breakers West	Low Residential (LR-2, PBC)	Single Family Res. (RS, PBC)
West	Counterpoint Est.	Single Family (SF, RPB)	Single Family Res. (RS-3, RPB)

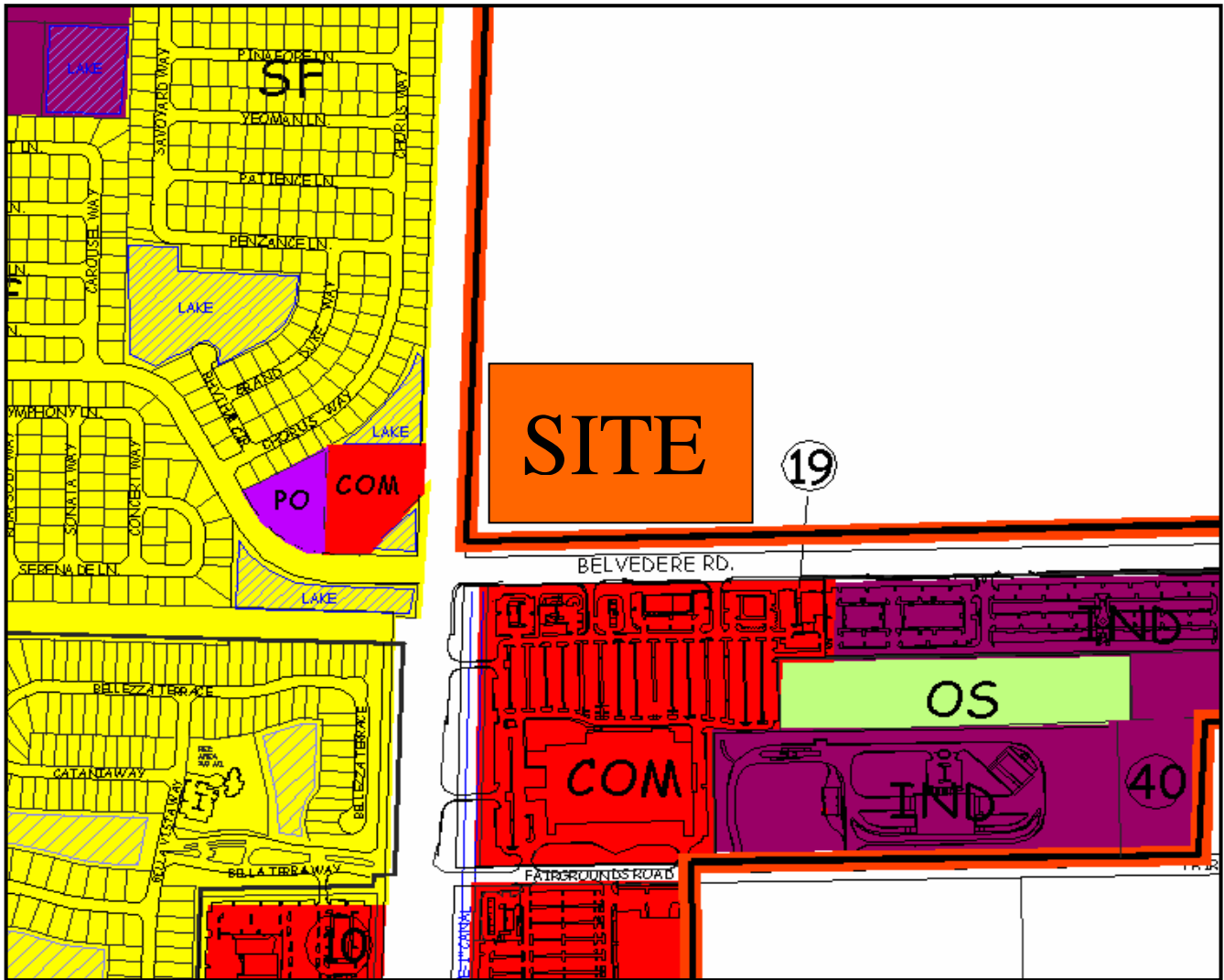


Figure 1: Location Map

**III. Intent of Petition:**

The applicant is seeking a variance to Royal Palm Beach Code of Ordinances Section 26-86(4)(c) regarding maximum building height, to allow a maximum building height of 46 feet in lieu of the required maximum of 32 feet in height permitted by Village Code. The site was recently annexed into the Village of Royal Palm Beach, the Palm Beach County Board of County Commissioners (PBCBCC) granted an approval of Multiple Use Planned Development (MUPD) to allow 1,000 square feet of professional offices. The approval granted by PBCBCC required compliance with the County's various codes and regulations. This project meets all County requirements. The applicant is seeking variances to resolve the inconsistencies that exist between the Palm Beach County and the Village of Royal Palm Beach codes.

**IV. History:**

The subject property is located on the northeast corner of Belvedere Road and State Road 7. The property was recently annexed into the Village boundaries by the adoption of Ordinance

757 on November 16, 2006. The Palm Beach County Board of County Commissioners (PBCBCC) granted an approval of Multiple Use Planned Development (MUPD) to allow 1,000 square feet of professional offices. The applicant has submitted an application for site plan approval of which is generally consistent with the County's approval and a special exception for the Planned Commercial Development (PCD).

**V. Analysis:**

Staff is recommending approval of the requested variances from the provisions of Section 26-86(4)(c) to allow a maximum building height of 46 feet in lieu of the required maximum of 32 feet in height permitted by Village Code. An evaluation of the criteria for a variance from the provisions of the zoning code follows:

**1. Special conditions and circumstances exist:**

*Finding:* The site was recently annexed into the Village of Royal Palm Beach, the Palm Beach County Board of County Commissioners (PBCBCC) granted an approval of Multiple Use Planned Development (MUPD) to allow 1,000 square feet of professional offices. The approval granted by PBCBCC required compliance with the County's various codes and regulations. This project meets all County requirements. The applicant is seeking variances to resolve the inconsistencies that exist between the Palm Beach County and the Village of Royal Palm Beach codes.

**2. Special conditions and circumstances do not result from actions of the applicant:**

*Finding:* The site was recently annexed into the Village of Royal Palm Beach, the Palm Beach County Board of County Commissioners (PBCBCC) granted an approval of Multiple Use Planned Development (MUPD) to allow 1,000 square feet of professional offices. The approval granted by PBCBCC required compliance with the County's various codes and regulations. This project meets all County requirements. The applicant is seeking variances to resolve the inconsistencies that exist between the Palm Beach County and the Village of Royal Palm Beach codes.

**3. Granting of the Variance will not convey any special privilege:**

*Finding:* Other projects that have annexed into the Village of Royal Palm Beach have been granted variances to resolve the inconsistencies that exist between the Palm Beach County Code and the Village of Royal Palm Beach code. Therefore, the granting of the variances will not confer on the applicant any privileges that have been denied to other sites.

**4. Literal interpretation of the code provision would deprive applicant of rights commonly enjoyed and impose an unnecessary & undue hardship:**

*Finding:* The site was recently annexed into the Village of Royal Palm Beach, the Palm Beach County Board of County Commissioners (PBCBCC) granted an approval of Multiple Use Planned Development (MUPD) to allow 1,000 square feet of professional offices. The approval granted by PBCBCC required compliance with the County's various codes and regulations. This project meets all County requirements.

The applicant is seeking variances to resolve the inconsistencies that exist between the Palm Beach County and the Village of Royal Palm Beach codes. A literal interpretation would require the applicant to redesign the project.

**5. Variance requested is the minimum necessary:**

*Finding:* The requested variance is the minimum needed to allow for a reasonable use of the property.

**6. Variance will be in harmony with the Comprehensive Plan:**

*Finding:* The proposed variance is consistent with the Village's Comprehensive Plan.

**7. Variance will not be injurious to area or detrimental to the public welfare:**

*Finding:* No adjacent property owners will be adversely affected by this variance request.

Overall Village staff has determined that the requirements of the Village Code have been met for this variance request.

**VI. Disposition Options:**

In considering this application the options available are as follows:

1. Determine that the application for the requested variance meets the Standards of Section 26-32(f)(6) of the Village Code of Ordinances and recommend approval.
2. Determine that the application for the requested variance does not meet the Standards of Section 26-32(f)(6) of the Village Code of Ordinances, but that with the imposition of special conditions will meet standards and recommend approval subject to conditions.
3. Determine that the application for the requested variance does not meet the standards of Section 26-32(f)(6) of the Village Code of Ordinances, and the imposition of special conditions would not allow the application to meet those standards and recommend denial.

**VII. Staff Recommendation:**

Approval of 06-06 (D) (VAR) thru the approval of VC-07-01.

**VIII. Hearing History:**

*Planning and Zoning Commission:*

The Planning and Zoning Commission considered the application on February 13, 2007, and recommended approval by a vote of 3-0.

**Exhibit A  
Legal Description  
Corporate Center West (Posse)  
06-06 (D) (VAR)  
Ordinance No. VC-07-01**

LEGAL DESCRIPTION:

**A parcel of land in Tract 13, Block 1, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, pages 45 to 54, inclusive, Palm Beach County, Florida, more particularly described as follows:**

**(For the purposes of this description, the North line of said Tract 13 is assumed to bear S 89°57'43" E and all other bearings herein are relative thereto.)**

**Commencing at the Northwest corner of said Tract 13, thence run easterly along the North boundary of said Tract 13 along a bearing of S 89°57'43" E for a distance of 68.66 feet to a point on the East right of way line of Lake Worth Drainage District Equalizing Canal No. 1 and the Northwest corner of that parcel conveyed to the State Road Department of Florida by the deed recorded in Official Records Book 551, page 242, Public Records of Palm Beach County, Florida; thence continue along the North line of said Tract 13, S 89°57'43" E a distance of 323.00 feet to the Northeast corner of said parcel conveyed to State Road Department of Florida and the Point of Beginning; thence continue along the North line of said Tract 13, S 89°57'43" E a distance of 567.85 feet to a point on the West line of the East 223.1 feet of said Tract 13; thence S 00°02'21" W, parallel with the East line of said Tract 13, a distance of 585.76 feet to a point on the North right of way line of Lake Worth Drainage District Lateral Canal No. 3 as recorded in Official Records Book 5207, page 353, Public Records of Palm Beach County, Florida, said right of way line being the North line of the South 75 feet of said Tract 13; thence N 89°57'57" W, parallel with the South line of said Tract 13, a distance of 875.66 feet to a point on a Reservation line to the Lake Worth Drainage District in Official Records Book 1994, page 1615, Public Records of Palm Beach County, Florida, said Reservation line being the East line of the West 110 feet of said Tract 13; thence N 02°36'21" E, parallel with the West line of said Tract 13, a distance of 316.43 feet; thence S 89°57'43" E, parallel with the North line of said Tract 13, a distance of 281.09 feet; thence N 02°42'12" E, parallel with the East right of way line of State Road No.7 as recorded in Deed Book 992, page 123, Public Records of Palm Beach County, Florida, a distance of 270.00 feet to the Point of Beginning.**

CONTAINING 429,391 SQUARE FEET OR 9.86 ACRES, MORE OR LESS.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ALL PERTINENT MATTERS OF RECORD.