

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-176 (SE) AN APPLICATION BY ROYAL PALM CENTER LLC, AND ADOPTION OF RESOLUTION NO. 23-53 CONFIRMING COUNCIL ACTION. THE APPLICANT IS REQUESTING SPECIAL EXCEPTION APPROVAL TO ALLOW FOR A “RECREATIONAL FACILITIES, COMMERCIAL (INDOOR)” WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AND SITUATED WITHIN THE VILLAGE ROYALE SHOPPING CENTER, FOR A PROPERTY LOCATED AT 1169 A & B ROYAL PALM BEACH BOULEVARD.

Issue:

The applicant is requesting Special Exception Approval to allow for a “Recreational facilities, commercial (indoor)” within the General Commercial (CG) Zoning District and situated within the Village Royale Shopping Center, for a property located at 1169 A & B Royal Palm Beach Boulevard. Pursuant to the Applicant’s Justification Statement, “We Rock the Spectrum provides specialized sensory equipment for children to exercise and develop various skills and abilities”.

In reviewing this petition, Village Staff considered conformity with the Village of Royal Palm Beach Code of Ordinances, Section 26-32 (f) (4) *Special exception applications*. Please find below the criteria for approving Special Exceptions, as well as the Applicant’s responses:

1. The proposed Special Exception is consistent with the policies and standards of the village comprehensive plan; or

The Applicant states: “Policy LU-1.5.7 The Village shall encourage the joint use of educational and ancillary facilities such as parks, recreation facilities, cultural facilities, library facilities, environmental pathways / walking trails, bikeways and community centers.”

2. The proposed Special Exception complies with all applicable development regulations of the Village Code; or

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	2/15/2024	Action

The Applicant states: "The development will take place in an existing shopping center that already adheres to the development regulations."

3. The proposed Special Exception does not have adverse environmental impacts which cannot be prevented by the imposition of conditions; or

The Applicant states: "There are no adverse environmental impacts."

4. The proposed Special Exception does not have adverse vehicular or pedestrian traffic impacts which cannot be prevented by the imposition of conditions; or

The Applicant states: "There will be no vehicular or pedestrian traffic impacts. There are enough designated parking spaces for the now vacant units that we will be occupying. Traffic will not be affected."

5. The proposed Special Exception does not have an adverse impact upon public facilities, including, but not limited to, impacts on police and fire protection, drainage systems, refuse disposal, water, sewers, and schools, which cannot be prevented by the imposition of conditions; or

The Applicant states: "There will be no impact on public facilities."

6. The design of the proposed Special Exception does not have adverse impacts on adjacent properties or is detrimental to their use and peaceful enjoyment and will cause objectionable noise, vibrations, [and/or] fumes; or

The Applicant states: "There will be no disruptions to the current conditions. It will attribute to the peaceful enjoyment of the community and bring additional peace and joy to the families in the community."

7. The proposed Special Exception is compatible with the character and living conditions of the existing neighborhood in which it is to be located; or

The Applicant states: "The business in line with the character of the shopping center we will be located in. Currently there is a children's dance studio next-door and various restaurants. It's a family-friendly shopping center and we will be bringing in more families to enjoy the area."

8. The proposed Special Exception does not have an adverse impact on property values in adjacent areas which cannot be prevented by the imposition of conditions; or

The Applicant states: "The special exception use will have no impact on property values."

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	2/15/2024	Action

9. The proposed Special Exception is not a deterrent to the improvement or development of adjacent property, in accordance with applicable Village Code development regulations, which cannot be prevented by the imposition of conditions; or

The Applicant states: "This special exception use will have no impact on the improvement of development of any adjacent properties."

10. The proposed Special Exception will not seriously reduce the quality or quantity of light and air available to adjacent properties which cannot be prevented by the imposition of conditions.

The Applicant states: "This will have no impact on the quality or quantity of light and air to adjacent properties."

In reviewing the proposed Special Exception use application, Village Staff considered compatibility with adjacent land uses, consistency with the Village's Comprehensive Plan and conformance with the Village's Development Standards for the General Commercial (CG) Zoning District. Staff has determined that the proposed Special Exception conforms to Village Standards.

The Planning and Zoning Commission considered Application No. 23-176 (SE) on January 23, 2024 and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application No. 23-176 (SE) and Resolution No. 23-53.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	2/15/2024	Action

RESOLUTION NO. 23-53

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-176(SE) – THE APPLICATION OF ROYAL PALM CENTER, LLC - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “RECREATIONAL FACILITIES, COMMERCIAL (INDOOR)” LOCATED AT 1169 A & B ROYAL PALM BEACH BOULEVARD, IN THE VILLAGE OF ROYAL PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Royal Palm Beach, Florida (“Village”), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166 Florida Statutes, is authorized and empowered to consider applications relating to zoning and land development; and

WHEREAS, the notice and hearing requirements provided for in the Village Code have been satisfied where applicable; and

WHEREAS, Application No. 23-176(SE) was presented to the Village Council at its public hearing conducted on February 15, 2024; and

WHEREAS, the Village Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various Village review agencies, boards, and commissions, where applicable; and

WHEREAS, this approval is subject to all applicable Zoning Code requirements that development commence in a timely manner.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPLICATION NO. 23-176(SE), THE APPLICATION OF ROYAL PALM CENTER, LLC, ON A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PLEASE SEE EXHIBIT ‘A’ ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Was approved, subject to the following conditions:

PLEASE SEE EXHIBIT ‘B’ ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 15th day of February, 2024.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
We Rock The Spectrum @ 1169 A & B Royal Palm Beach Boulevard
Application 23-176(SE)
Res. No. 23-53

LEGAL DESCRIPTION:

A portion of Tract "C" of Hawthorn II Village of Royal Palm Beach, as shown on Plat recorded in Plat Book 31, Page 34 of the Public Records of Palm Beach County, Florida described as follows:

Commence at the Southwest corner of said Tract "C" thence North $88^{\circ}10'42''$ East (For convenience the bearings shown herein are relative to an assumed meridian) along the North Right-of-way Line of Okeechobee Road as now laid out and in use; a distance of 200.22 feet to the Point of Beginning of this description:

Thence North $01^{\circ}36'46''$ East along a line that is 935.92 feet West of and parallel with the West Right-of-way line of Royal Palm Beach Boulevard as now laid out and in use, a distance of 796.17 feet; thence South $88^{\circ}23'14''$ East, a distance of 935.92 feet to an intersection with the West Right-of-Way line of said Royal Palm Beach Boulevard; thence South $01^{\circ}36'46''$ West along said West Right-of-way Line, a distance of 537.19 feet; thence North $88^{\circ}23'14''$ West a distance of 215.35 feet; thence South along $01^{\circ}49'18''$ East, a distance of 215.35 feet to an intersection with the North Right-of-Way Line, a distance of 734.79 feet to the Point of Beginning.

Together with all the Beneficial Easement Rights contained in a certain operating and Reciprocal Easement Agreement by and between Royal Palm Beach Colony, Inc., and First American Bank of Palm Beach County as Trustee under Land Trust No. 010136, dated as of September 10, 1981 and recorded September 11, 1981 in Official Record Book 3593, Page 1756, Public Records of Palm Beach County, Florida.

Attachment B
Conditions of Approval
We Rock The Spectrum @ 1169 A & B Royal Palm Beach Boulevard
Application 23-176(SE)
Res. No. 23-53

1. Development Order:

This development order constitutes approval for:

A Special Exception Use for an “Recreational facilities, commercial (indoor)” located at 1169 A & B Royal Palm Beach Boulevard.

This constitutes the only approval granted by this resolution. Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

2. Site Specific Conditions:

- A. This Special Exception use approval shall become null and void should the operator, We Rock The Spectrum cease operations at this location.
- B. The Applicant shall provide an update to the current Site Plan of record showing the location within the building of the Special Exception Use.

3. Standard Conditions:

- A. This Special Exception approval shall expire one (1) year from the date of council approval unless development is commenced within that time frame or appropriate applications for extensions are submitted pursuant to Section 26-66 of the Village Code or Ordinances. In no case shall the approval be extended beyond code-established time frames.
- B. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
- C. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- D. There shall be no outside storage of any equipment or materials related to the operations of the We Rock The Spectrum.
- E. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.