

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-181 (SE) AN APPLICATION BY 99LIVES LLC, ON BEHALF OF JBL VILLAGE SHOPPES LLC, AND ADOPTION OF RESOLUTION NO. 23-56 CONFIRMING COUNCIL ACTION. THE APPLICANT IS REQUESTING SPECIAL EXCEPTION USE APPROVAL TO ALLOW FOR “RECREATIONAL FACILITIES, COMMERCIAL (INDOOR)” WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AND SITUATED WITHIN VILLAGE SHOPPES ON 441 SHOPPING CENTER, FOR A PROPERTY LOCATED AT 10113-100 SOUTHERN BOULEVARD.

Issue:

The applicant is requesting Special Exception Approval to allow for “Recreational facilities, commercial (indoor)” within the General Commercial (CG) Zoning District and situated within Village Shoppes on 441 Shopping Center, for a property located at 10113-110 Southern Boulevard. Pursuant to the Applicant’s Justification Statement, “The proposed center aims to create a unique and engaging platform for video gamers aged 7-17, offering competitive Esports training, mentorship, gaming skills development, personal brand building for athletes, and other team-building activities”.

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: “The proposed Special Exception aligns with the Village's goal of promoting economic development by attracting new businesses and creating job opportunities.”

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 proposed Special Exception Use complies with all applicable development regulations, specifically Florida Building Code: Small buildings and tenant spaces, Section 303.1.1: A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be classified as a Group B occupancy.”

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

The Applicant states: “The proposed Special Exception Use has 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: “The proposed Special Exception Use has no adverse vehicular or pedestrian traffic impacts.”

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: “The proposed Special Exception Use has no adverse impact upon 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: “The proposed Special Exception Use is not detrimental to the use and peaceful enjoyment and will not cause objectionable effects to the adjacent properties.”

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 proposed Special Exception Use is compatible with the character and living conditions of the existing neighborhoods and will not restrict or impair public safety.”

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

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

The Applicant states: “The proposed Special Exception Use will have no adverse impact on property values.”

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: “The proposed Special Exception Use will not deter the improvement or development of adjacent property.”

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: “The proposed Special Exception Use will not reduce the quality or quantity of light and air available 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. 23-181 on January 23, 2024 and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application No. 23-181 (SE) and Resolution No. 23-56.

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

RESOLUTION NO. 23-56

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-181(SE) – THE APPLICATION OF 99LIVES LLC - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “RECREATIONAL FACILITIES, COMMERCIAL (INDOOR)” LOCATED AT 10113-100 SOUTHERN 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. 23-181(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. 23-181(SE), THE APPLICATION OF 99LIVES 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
99 Lives Esports Facility @ 10113-110 Southern Boulevard
Application 23-181(SE)
Res. No. 23-56

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF (W ½) OF SAID TRACT 7; THENCE SOUTH 00°31'56"EAST, ALONG THE EAST LINE OF THE WEST HALF (W ½) OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST HALF (E ½) OF SAID TRACT 7; THENCE NORTH 88°07'11"EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST HALF (E ½) OF SAID TRACT 7; THENCE SOUTH 00°31'56"EAST, ALONG SAID EAST LINE, A DISTANCE OF 216.34 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86°25'20"EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 245.73 FEET; THENCE NORTH 00°34'13"WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 183.95 FEET; THENCE NORTH 88°07'11"EAST A DISTANCE OF 158.05 FEET; THENCE SOUTH 01°50'18"WEST A DISTANCE OF 179.82 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86°25'20"EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS RECORDED IN OFFICIAL RECORDS BOOK 5345, PAGE 595, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°33'47"EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 945.44 FEET; THENCE NORTH 01°33'58"EAST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 151.97 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE SOUTH 89°03'43"WEST, DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID TRACTS 6 AND 7, A DISTANCE OF 960.69 FEET TO THE NORTHEAST CORNER OF THE WEST HALF (W ½) OF SAID TRACT 7 AND THE POINT OF BEGINNING;

LESS AND EXCEPTING OUTPARCEL 2-A AND OUTPARCEL 3-A, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

OUT-PARCEL 2-A:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF (W ½) OF SAID TRACT 7; THENCE SOUTH 00°31'43" EAST, ALONG THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 667.69 FEET; THENCE NORTH 89°28'17" EAST, A DISTANCE OF 435.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°07'24" EAST, A DISTANCE OF 251.00 FEET; THENCE SOUTH 00°31'43" EAST, A DISTANCE OF 257.83 FEET; THENCE SOUTH 88°07'24" WEST, A DISTANCE OF 251.00 FEET; THENCE NORTH 00°31'43" WEST, A DISTANCE OF 257.83 FEET TO THE POINT OF BEGINNING.

OUT-PARCEL 3-A:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 7, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID TRACT 7; THENCE SOUTH 00°31'56" EAST, ALONG THE EAST LINE OF THE WEST HALF OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST HALF OF SAID TRACT 7 FOR A POINT OF BEGINNING; THENCE NORTH 88°07'11" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST HALF OF SAID TRACT 7; THENCE NORTH 00°31'56" WEST, ALONG SAID EAST LINE, A DISTANCE OF 222.00 FEET; THENCE SOUTH 88°07'11" WEST A DISTANCE OF 367.11 FEET; THENCE SOUTH 43°47'38" WEST A DISTANCE OF 47.21 FEET TO THE SAID EAST LINE OF THE WEST HALF OF SAID TRACT 7; THENCE SOUTH 00°31'56" EAST, ALONG SAID EAST LINE, A DISTANCE OF 189.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00°31'56" EAST, ALONG THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 1264.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND A POINT ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 11496.16 FEET AND WHOSE RADIUS POINT BEARS SOUTH 00°23'14" WEST; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°19'31 SECONDS, A DISTANCE OF 265.91 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 11422.16 FEET; THENCE WESTERLY, ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°07'48 SECONDS, A DISTANCE OF 225.28 FEET TO THE END OF SAID CURVE AND A POINT ON THE WEST LINE OF SAID TRACT 7; THENCE DEPARTING SAID RIGHT- OF-WAY LINE, NORTH 00°41'24" WEST, ALONG

THE WEST LINE OF SAID TRACT 7, A DISTANCE OF 1259.24 FEET TO THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 89°03'43"EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 494.65 FEET TO THE NORTHEAST CORNER OF THE WEST HALF (W 1/2) OF SAID TRACT 7 AND THE POINT OF BEGINNING.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2, SUPRA, AS SET FORTH IN RECIPROCAL EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 9102, PAGE 1787, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS DESCRIBED THEREIN; LESS AND EXCEPT FROM THE ABOVE PARCELS 1, 2 AND 3, RIGHT-OF-WAY OF STATE ROAD 80 AND RIGHTS OF ACCESS, INGRESS AND EGRESS; AS DESCRIBED IN ORDER OF TAKING IN FAVOR OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED IN OFFICIAL RECORDS BOOK 14451, PAGE 258; RATIFIED AND CONFIRMED BY STIPULATED FINAL JUDGMENT IN OFFICIAL RECORDS BOOK 20922, PAGE 1531; ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

THE NORTHEAST ¼ (NE ¼) OF THE SOUTHEAST ¼ (SE ¼) OF THE NORTHWEST ¼ (NW ¼) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO A ROAD AND CANAL RIGHT-OF-WAY OVER AND ACROSS THE SOUTH 55.00 FEET THEREOF.

Attachment B
Conditions of Approval
99 Lives Esports Facility @ 10113-110 Southern Boulevard
Application 23-181(SE)
Res. No. 23-56

1. Development Order:

This development order constitutes approval for:

A Special Exception Use for an “Recreational facilities, commercial (indoor)” located at 10113-100 Southern 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, 99 Lives Esports Facility, 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 99 Lives Esports Facility.
- E. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.