

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-138 (MCIC) AN APPLICATION BY CROSSROADS R2G OWNER LLC AND ADOPTION OF RESOLUTION NO. 23-47. THE APPLICANT IS SEEKING A MODIFICATION TO A COUNCIL IMPOSED CONDITION (MCIC) TO FURTHER EXTEND THE TIMELINE FOR THE INSTALLATION OF THE REQUIRED PUBLIC ART, FOR A PROPERTY LOCATED AT 1180 ROYAL PALM BEACH BOULEVARD, BY AGENT: JANNA P. LHOTA, OF HOLLAND & KNIGHT LLP.

Issue:

The Applicant is requesting Modification to Council Imposed Condition (MCIC) to further amend previously approved Condition 2.B to extend the timeline for the installation of the art in public places required for the project. Council Imposed Condition 2.B of the original Resolution No. 21-11 required the installation of the public art piece prior to the issuance of a Certificate of Occupancy (CO). Village Council approved revision to Condition 2.B through Resolution No. 23-16 to require the installation of the public art piece within six (6) months of the date of Village Council approval of Application No. 23-040 (MCIC).

Based on the information provided by Saatchi Art and the artist, the Owner has been advised that due to commitment by the artist on another commission, the fabrication time is estimated to be (90) ninety days with another two months for shipping of the final piece from China to the site. As owner does not want to be in default of the revised Condition, it respectfully requests a further modification of Condition 2.B to allow sufficient time to comply.

This current proposed modification will further extend the timeline for the installation of the public art piece to twelve (12) months from the date of Council Approval of Application No. 23-040 (MCIC). A strike-through and underline of the proposed modification to Condition of Approval 2.B is as follows:

The Art in Public Places requirements in Sec. 26- 75. 5 of the Village Code must be met. The public art requirement for this project is 1% of the total vertical construction costs using a certified cost estimate, equivalent to 53, 785. The art installation shall be in the location depicted on the Site Plan and shall be within ~~six (6)~~ twelve (12) months of the date of Village Council approval of Application No. 23-040 (MCIC). The applicant shall provide a performance bond in the amount of twice the certified cost estimate for the required public art (\$107,570.00) to purchase, ship/transport and install the required public art in the event of a default of this condition.

Recommended Action:

Initiator	Village Manager	Agenda Date	Village Council
Public Art Prof.	Approval	11-16-2023	Action

Staff is recommending Approval of Application No. 23-138 (MCIC) through adoption of Resolution No. 23-47.

Initiator	Village Manager	Agenda Date	Village Council
Public Art Prof.	Approval	11-16-2023	Action

RESOLUTION NO. 23-47

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-138 (MCIC), THE APPLICATION OF CROSSROADS R2G OWNER LLC, PERTAINING TO MODIFICATION OF A COUNCIL IMPOSED CONDITION ATTACHED TO RESOLUTION NO. 23-16 IN ORDER TO AMEND THE TIMELINE FOR THE INSTALLATION OF THE REQUIRED PUBLIC ART, FOR A PROPERTY LOCATED AT 1180 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. 23-138 (MCIC) was presented to the Village Council at its public hearing conducted on November 16, 2023; and

WHEREAS, the Applicant specifically seeks a Modification to Council-Imposed Condition No. 2B of Resolution No. 23-16 to allow for additional time for the installation of the art in public places required for the project; 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, THAT APPLICATION NO. 23-138(MCIC), THE APPLICATION OF CROSSROADS R2G OWNER 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 16th day of November, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Crossroads Shopping Center Publix Public Art @ 1080 Royal Palm Beach
Boulevard
Application No. 23-138 (MCIC)
Resolution No. 23-47

Directly below is the legal descriptions for the property:

LEGAL DESCRIPTION:

PARCEL 1, PARCEL 2, PARCEL 3, AND PARCEL 4 AS FOLLOWS:

PARCEL 1

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 41 EAST, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF ROYAL PALM BEACH BOULEVARD AND OKEECHOBEE ROAD AS RECORDED IN THE HAWTHORN II SUBDIVISION, IN PLAT BOOK 31, PAGE 34, RUN NORTH 88 DEGREES 10 MINUTES 42 SECONDS EAST ALONG THE CENTERLINE OF OKEECHOBEE ROAD FOR A DISTANCE OF 1061.51 FEET TO A POINT; THENCE RUN NORTH 01 DEGREES 49 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 53.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD ACCORDING TO THE PLAT THEREOF, AS RECORDED IN ROAD PLAT BOOK 4, PAGES 19 THROUGH 24, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; THENCE RUN NORTH 16 DEGREES 53 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 7.25 FEET TO A POINT, SAID POINT BEING THE **POINT OF BEGINNING**.

FROM THE **POINT OF BEGINNING** RUN NORTH 16 DEGREES 53 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 1101.83 FEET TO A POINT; THENCE RUN SOUTH 73 DEGREES 06 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 138.00 FEET; THENCE RUN NORTH 88 DEGREES 23 MINUTES 14 SECONDS WEST ALONG A LINE PERPENDICULAR TO THE EASTERLY RIGHT-OF-WAY OF ROYAL PALM BEACH BOULEVARD, FOR A DISTANCE OF 520.49 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF ROYAL PALM BEACH BOULEVARD; THENCE RUN SOUTH 01 DEGREES 36 MINUTES 46 SECONDS WEST ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 1004.61 FEET TO A POINT; THENCE RUN SOUTH 45 DEGREES 06 MINUTES 18 SECONDS EAST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD AS EXPANDED BY THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 6324, PAGE 1765, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS FOR A DISTANCE OF 58.25 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTH 74.00 FEET OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 23; THENCE RUN NORTH 88 DEGREES 10 MINUTES 42 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH 74.00 FEET OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 23 AND ALONG SAID EXPANDED NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 328.04 FEET; THENCE RUN SOUTH 88 DEGREES 37 MINUTES 00 SECONDS EAST ALONG SAID EXPANDED NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 250.39 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTH 60.00 FEET OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 23, THENCE RUN NORTH 88 DEGREES 10 MINUTES 42 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH 60.00 FEET OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 23 ALONG SAID EXPANDED NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 381.57 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF THE TRAILS AT ROYAL PALM BEACH, A CONDOMINIUM, THE DECLARATION OF WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 3714, PAGES 1156 THROUGH 1425, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE **POINT OF BEGINNING**, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF ROYAL PALM BEACH BOULEVARD WITH THE CENTERLINE OF OKEECHOBEE ROAD, AS SHOWN ON THE PLAT OF HAWTHORN II, AS RECORDED IN PLAT BOOK 31, PAGE 26 THROUGH 35, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°10'42" EAST, ALONG THE CENTERLINE OF OKEECHOBEE ROAD, A DISTANCE OF 1061.51 FEET; THENCE NORTH 01°49'18" WEST, A DISTANCE OF 53.0 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID OKEECHOBEE ROAD; THENCE NORTH 16°53'44" WEST, A DISTANCE OF 1062.88 FEET; THENCE NORTH 88°23'14" WEST ALONG A LINE PERPENDICULAR TO THE EAST RIGHT OF WAY LINE OF ROYAL PALM BEACH BOULEVARD, A DISTANCE OF 666.02 FEET TO SAID EAST RIGHT OF WAY LINE OF ROYAL PALM BEACH BOULEVARD; THENCE SOUTH 01°36'46" WEST ALONG SAID EAST RIGHT OF WAY LINE AND EAST LIMITS OF SAID HAWTHORN II, A DISTANCE OF 524.50 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 01°36'46" WEST ALONG SAID EAST RIGHT OF WAY LINE AND EAST LIMITS OF SAID HAWTHORN II, A DISTANCE OF 210.50 FEET; THENCE SOUTH 88°23'14" EAST ALONG A LINE PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE AND EAST LIMITS OF SAID HAWTHORN II, A DISTANCE OF 190.00 FEET TO THE INTERSECTION WITH A LINE 190.00 FEET EASTERLY OF AND PARALLEL WITH SAID EAST RIGHT OF WAY LINE AND EAST LIMITS OF SAID HAWTHORN II; THENCE NORTH 01°36'46" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 210.50 FEET; THENCE NORTH 88°23'14" WEST ALONG A LINE PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE AND EAST LIMITS OF SAID HAWTHORN II, A DISTANCE OF 190.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL 2

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR THE PURPOSES OF MAINTAINING, REPAIRING AND REPLACING DRAINAGE PIPES, AS DEFINED IN THAT DRAINAGE EASEMENT DATED SEPTEMBER 10, 1990, RECORDED SEPTEMBER 12, 1990 IN OFFICIAL RECORDS BOOK 6577, PAGE 1763, AS AMENDED BY AMENDMENT TO DRAINAGE EASEMENT RECORDED AUGUST 22, 1998 IN OFFICIAL RECORDS BOOK 9407, PAGE 357.

PARCEL 3

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AS DEFINED IN THAT CROSS ACCESS EASEMENT AGREEMENT, BY AND BETWEEN RANDY RIEGER, INDIVIDUALLY AND AS TRUSTEE, AND ROYAL PALM ASSOCIATES, LTD., DATED SEPTEMBER 6, 1990, RECORDED SEPTEMBER 12, 1990 IN OFFICIAL RECORDS BOOK 6577, PAGE 1758, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SAID DRIVEWAYS ARE CONSTRUCTED FROM TIME TO TIME.

PARCEL 4

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 SET FORTH IN CROSS PARKING AND EASEMENT AGREEMENT, RECORDED DECEMBER 7, 1987 IN OFFICIAL RECORDS BOOK 5505, PAGE 1306, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Exhibit B
Conditions of Approval
Crossroads Shopping Center Publix Public Art @ 1080 Royal Palm Beach
Boulevard
Application No. 23-138 (MCIC)
Resolution No. 23-47

1. Development Order:

This development order constitutes approval for:
Site Plan Modification and Architectural Approval in order to allow for a tear down and rebuild of an existing Publix grocery store and portions of the adjacent retail shops in order to add 6,623 square feet to the existing Publix, resulting in a new 55,454± square foot Publix grocery store within the Crossroads Shopping Center situated on a 19.74-acre parcel of land located at 1180 Royal Palm Beach Boulevard.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All other conditions imposed by previous approvals shall remain in full force and effect unless specifically modified herein.

2. Site Specific Conditions:

- A. The Applicant shall construct a pedestrian access walkway into the shopping center west of existing right in right out vehicle drive at the south property line adjacent to Okeechobee Boulevard and connect to the pedestrian walkway in front of the inline stores to the satisfaction of the Planning and Zoning Director.
- B. The Art in Public Places requirements in Sec. 26-75.5 of the Village Code must be met. The public art requirement for this project is 1% of the total vertical construction costs using a certified cost estimate, equivalent to \$53,785. The art installation shall be in the location depicted on the approved Site Plan and shall be installed within ~~six (6)~~ twelve (12) months of the date of Village Council approval of Application No. 23-040 (MCIC). The Applicant shall provide a performance bond in the amount of twice the certified cost estimate for the required public art (\$107,570.00) to purchase, ship/transport and install the required public art in the event of a default of this condition.
- C. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- D. Dumpster pads will be sloped to drain onto a pervious area.
- E. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- F. The site shall be maintained free of all trash at all times.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are

- submitted pursuant to Sec. 26-66 of the Village Code of 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. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.
 - D. All utility services shall be underground.
 - E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Sec. 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
 - F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
 - G. Following Council approval, the applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.
 - H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
 - I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape and irrigation plan review and inspection fee of three percent (3%) of the cost estimate shall be paid to the Building Department at the time permits are issued.
 - J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.

- K. Prior to the issuance of any building permit or conditional building permit the following must be completed:
 - 1. No building permits shall be issued until the construction drawings have been approved.
 - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

4. Landscaping Conditions:

- A. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.
- C. The property owner/s or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and waters edge.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. All shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, but must be maintained at no less than thirty-six inches (36) in height.
- H. The practice of "hat racking" defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree's crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.
- I. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

5. Planning & Zoning Commission Imposed Conditions:

- A. Building and roof colors and materials, and landscaping shall be only that which was presented and approved by the Planning and Zoning Commission.