

Agenda Item # R - 4

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-023 (SPM), AN APPLICATION BY MPLD CONSULTING ON BEHALF OF CRESTWOOD SQUARE LTD, AND ADOPTION OF RESOLUTION NO. 23-40 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SITE PLAN MODIFICATION TO EXPAND THE OUTDOOR SEATING/DINING AREA FROM 300 SQUARE FEET TO 1,320 SQUARE FEET AT THE EXISTING DUFFY’S SPORTS GRILL SITUATED WITHIN THE CRESTWOOD SQUARE SHOPPING CENTER, FOR A PROPERTY LOCATED AT 11935 SOUTHERN BOULEVARD.

Issue:

The Applicant, MPLD Consulting, on behalf of Crestwood Square LTD, is seeking a Site Plan Modification to expand the outdoor seating/dining area from 300 square feet to 1,320 square feet at the existing Duffy’s Sports Grill. The property is located at 11935 Southern Boulevard within the Crestwood Square shopping center and situated within the General Commercial (CG) Zoning District.

Overall, the proposed Site Plan improvements meet all of the Village’s requirements for this type of use in the General Commercial (CG) Zoning District.

The Planning and Zoning Commission considered the application on October 24, 2023, and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application No. 23-023 (SPM) and Resolution No. 23-40.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	11-16-2023	Action

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Duffy’s Outdoor Seating Expansion

Application: 23-023 (SPM) Res. 23-40

Applicant: Crestwood Square LTD
1541 Sunset Drive, Suite 300
Miami, FL 33143

Agent: Rebecca Miller
MPLD Consulting
528 Northwood Rd
West Palm Beach, FL 33407

Request: Major Site Plan Modification to expand the outdoor seating/dining area from 300 square feet to 1,320 square feet at the existing Duffy’s Sports Grill situated within the Crestwood Square shopping center, for a property located at 11935 Southern Boulevard.

Hearings: Planning and Zoning Commission: October 24, 2023
Village Council: November 16, 2023

Recommendation: Approval

II. Site Data:

Site Area: 10.99± acres

Property Control Numbers: 72-41-43-34-10-000-0000

Existing Land Use: Commercial / Restaurant

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing Use:	FLUM:	Zoning:
<i>North</i>	Residential	Townhouse Residential (RT)	Planned Unit Development (PUD)
<i>South</i>	Southern Boulevard	Village of Wellington	Village of Wellington
<i>East</i>	Residential	Townhouse Residential (RT)	Planned Unit Development (PUD)
<i>West</i>	Commercial	Commercial (COM)	General Commercial (CG)

The Applicant is proposing to expand the existing outdoor seating/dining area in order to: “Improve the overall dining experience for customers”. Also, according to the Applicant’s Justification Statement, “TV’s will be mounted where they are not visible from the outside”. “Furniture and outdoor furnishings will be stored indoors when not in use”. The restaurant’s management retains full control of TV’s volumes and there are no volume amplifications on any of the TVs. For an illustration of the Site Plan, please refer to **Attachment C**. For an illustration of the Landscape Plan please refer to **Attachment D**. For an illustration of the Elevations, please refer to **Attachment E**.

The Applicant is also requesting Architectural approval for the building modifications, and Landscape Plan. Please refer to **Attachment E** for an illustration of the proposed Architecture for the building modifications and **Attachment D** for an illustration of the Landscape Plan.

In reviewing this application, Village Staff considered conformity with Chapter 26 of the Village’s Code of Ordinances. Specifically, the proposed project meets the requirements for the General Commercial (GC) Zoning District, and Section 26-61 *Planned commercial developments*, as outlined below:

1. Parcel size: The site contains 14± acres, which exceeds the minimum area required for CG-designated property of 40,000 square feet.
2. Parcel width: The site exceeds the minimum parcel width of 150 feet of frontage.
3. Setbacks: The proposed building meets the setback for the zoning district.
4. Pervious area: The proposed Site Plan meets or exceeds the pervious area requirements.
5. Parking Requirements: The proposed Site Plan meets the parking standards of the Village Code.
6. Landscape Areas: The proposed landscape plan meets all of the minimum planting material standards of Chapter 15 Landscaping.
7. Maximum Building Height: The proposed buildings do not exceed the maximum height regulations of the General Commercial (CG) Zoning District.

Overall, the proposed Site Plan improvements meet all of the Village’s requirements for this type of use in the General Commercial (CG) Zoning District. Furthermore, the outdoor seating area meets all relevant Supplemental Regulations of Village Code Section 26-72. *Outdoor Seating*.

VI. Disposition Options:

Recommend: Approval of the application;
Denial of the application.

VII. Staff Recommendation:

Staff is recommending Approval of Application No. 23-023 (SPM) and Resolution No. 23-40.

VIII. Hearing History:

Planning and Zoning Commission:

The Planning and Zoning Commission considered the application on October 24, 2023, and recommended Approval by a vote of 5-0.

**Attachment A
Legal Description
Duffy's Outdoor Seating Expansion @ Crestwood Square
Application No. 23-023 (SPM)
Resolution No. 23-40**

LEGAL DESCRIPTION:

CRESTWOOD SQUARE SHOPPING CENTER PAR (LESS NLY 457.36 FT K/A
PRESERVE AREA)

Attachment B
Conditions of Approval
Duffy's Outdoor Seating Expansion @ Crestwood Square
Application No. 23-023 (SPM)
Resolution No. 23-40

1. Development Order:

This development order constitutes approval for:

Major Site Plan Modification to expand the outdoor seating/dining area from 300 square feet to 1,320 square feet at the existing Duffy's Sports Grill within the Crestwood Square shopping center, for a property located at 11935 Southern 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:

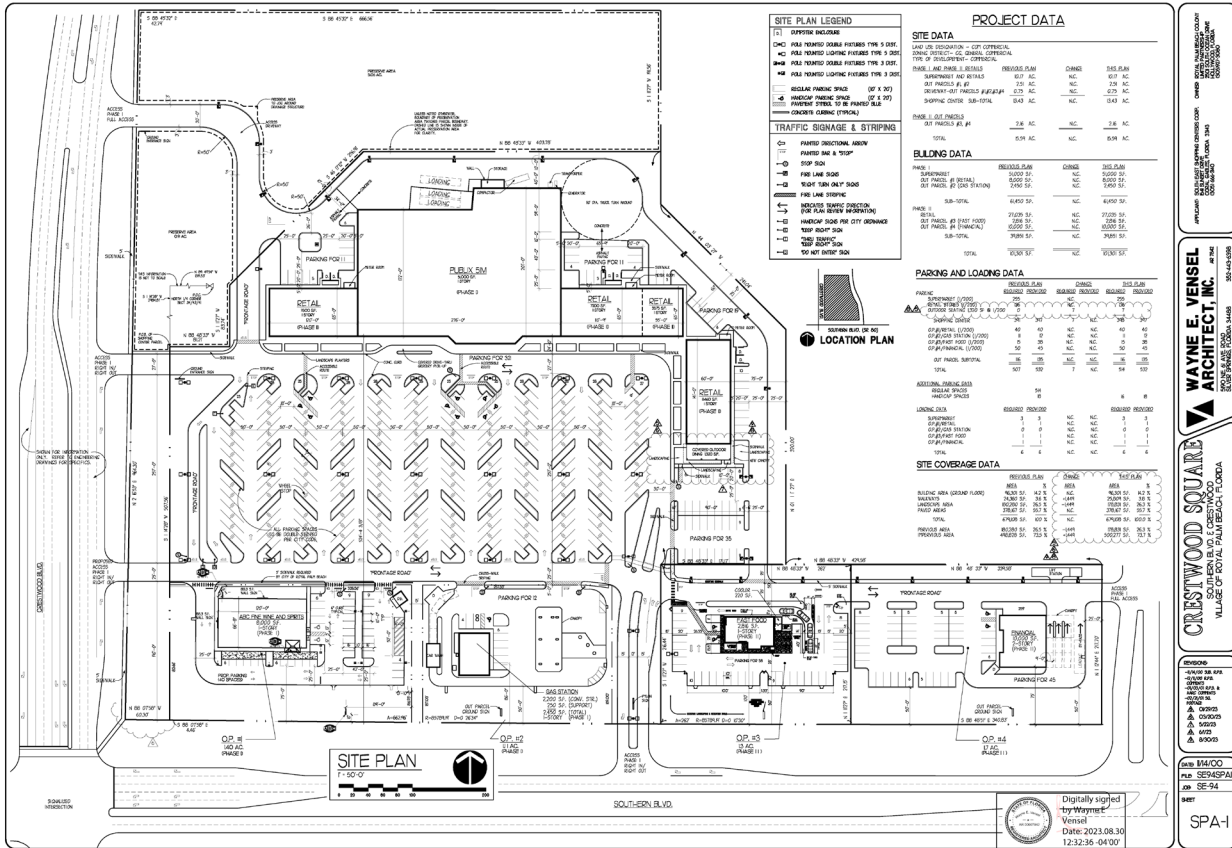
- A. All imposed conditions of approval for the Crestwood Square Planned Commercial Development (PCD) shall remain in full force and effect.
- B. The site shall be maintained free of all trash at all times.
- C. All noise or sound emitted from the restaurant and outdoor seating area and associated tv and other equipment therein must comply with the Village's Noise Ordinance and shall be consistent with and continually monitored and adjusted as provided in the Noise Analysis provided within the Applicant's Justification Statement.

3. Landscaping Conditions:

- A. The property owner 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.
- B. Vegetation removal shall not commence until a vegetation removal permit have been issued.
- C. 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.
- D. 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.
- E. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

Attachment C Site Plan Duffy's Outdoor Seating Expansion @ Crestwood Square Application No. 23-023 (SPM) Resolution No. 23-40

Directly below is an illustration of the Site Plan:



WAYNE E. VENSEL ARCHITECT, INC.

SOUTHERN BLVD. CRESTWOOD SQUARE
VILLAGE OF PLYMOUTH PARK, FLORIDA

CRESTWOOD SQUARE

SOUTHERN BLVD. CRESTWOOD SQUARE
VILLAGE OF PLYMOUTH PARK, FLORIDA

DATE: 2023.08.30
12:22:36 - 04:00

SPA-1

RESOLUTION NO. 23-40

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-023 (SPM) – THE APPLICATION OF MPLD CONSULTING ON BEHALF OF OWNER CRESTWOOD SQUARE LTD - PERTAINING TO A SITE PLAN MODIFICATION APPROVAL TO EXPAND THE OUTDOOR SEATING/DINING AREA FROM 300 SQUARE FEET TO 1,320 SQUARE FEET AT THE EXISTING DUFFY’S SPORTS GRILL FOR A PROPERTY LOCATED AT 11935 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. 23-023 (SPM) was presented to the Village Council at its public hearing conducted on November 16, 2023; 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. 23-023 (SPM), THE APPLICATION OF MPLD CONSULTING ON BEHALF OF OWNER CRESTWOOD SQUARE LTD, 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 and site plan depiction:

PLEASE SEE EXHIBIT “B” and “C” 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

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