

Agenda Item # R - 3

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 23-096 (SPM), AN APPLICATION BY JMORTON PLANNING AND LANDSCAPING ARCHITECTURE, AND ADOPTION OF RESOLUTION NO. 23-44 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN MODIFICATION IN ORDER TO INCREASE THE OUTDOOR SEATING SQUARE FOOTAGE, UPDATE SIDEWALKS, RELOCATE THE REQUIRED ART IN PUBLIC PLACES PIECE, AND MODIFY THE LANDSCAPING ONSITE, FOR A PROPERTY LOCATED AT 11925 & 11931 SOUTHERN BOULEVARD AND SITUATED WITHIN THE CYPRESS KEY TOWN CENTRE MXD; BY JENNIFER MORTON.

Issue:

The applicant, JMorton Planning & Landscape Architecture, is requesting a Major Site Plan Modification Approval in order to increase the outdoor seating square footage, update sidewalks, relocate the required art in public places piece, and modify the landscaping onsite, for a property located at 11925 & 11931 Southern Boulevard. The site is located within the Mixed-Use Development (MXD) Zoning District.

Overall, the proposed Site Plan Modification meets all of the Village’s requirements for this type of use in the Mixed Use Development (MXD) Zoning District.

The Planning and Zoning Commission considered the application on November 28, 2023, and recommended Approval by a vote of 4-0.

Recommended Action:

Staff is recommending Approval of Application No. 23-096 (SPM) and Resolution 23-44.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	12-7-2023	Action

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Cypress Key Town Centre

Application: 23-096 (SPM)

Applicant/Owner: Boulevard Shoppes, LLC
 170 NW Spanish River Boulevard
 Boca Raton, FL 33431

Agent: JMorton Planning & Landscaping Architecture
 3910 RCA Boulevard, Suite 1015
 Palm Beach Gardens, FL 33410

Request: Site Plan Modification in order to increase the outdoor seating square footage, update sidewalks, relocate the required art in public places piece, and modify the landscaping onsite, for a property located at 11925 & 11931 Southern Boulevard and situated within the Cypress Key Town Centre MXD.

Hearings: Planning and Zoning Commission: November 28, 2023
 Village Council: December 7, 2023

Recommendation: Approval

II. Site Data:

Site Area: 35.25± acres

Property Control Numbers: 72-41-43-34-15-002-0000
 72-41-43-34-15-001-0000

Existing Land Use: Vacant

Existing FLUM Designation: Mixed-Use Development (MXD)

Existing Zoning District: Mixed-Use Development (MXD)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing Use:	FLUM:	Zoning:
<i>North</i>	Multiple Family Residential	Mixed Use Development (MXD)	Mixed Use Development (MXD)
<i>South</i>	Single Family Residential	Low Density Residential (Wellington)	Low Density Residential (Wellington)
<i>East</i>	Cypress Head	Single Family Residential (SF)	Single-Family Residential (RS-2)
<i>West</i>	Shopping Center / Multiple Family Residential	Commercial (COM) Planned Unit Development (PUD)	General Commercial (CG) / Medium Density Residential (RM)

Directly Below is a Map Showing the Location of the Site:



III. Intent of Petition:

The applicant, JMorton Planning & Landscape Architecture, is requesting a Major Site Plan Modification Approval in order to increase the outdoor seating square footage, update sidewalks, relocate the required art in public places piece, and modify the landscaping onsite, for a property located at 11925 & 11931 Southern Boulevard. The site is located within the Mixed-Use Development (MXD) Zoning District.

IV. History:

The subject site is located on the northwest corner of Southern Boulevard and Park Central. The property was a part of a Land Use Amendment that changed the properties land use designation from the Village's Single Family (SF) Land Use Designation to the Mixed Use Development (MXD) Land Use Designation through the adoption of Ordinance 701, on December 16, 2004. The site was subsequently Rezoned from the Village's Single Family Residential (RS-2) Zoning District to the Mixed Use Development (MXD) Zoning District through the adoption of Ordinance 703, on May 5, 2005. A Site Plan and Preliminary Plat were approved through the adoption of Resolution 05-23 by the Village Council on May 19, 2005. Engineering permits were issued and infrastructure was installed on the site which

vested the approval of the project. The Site Plan was later modified through a Minor Site Plan Modification, on June 12, 2006, which combined buildings G & H and repositioned building G. The construction was halted and no further work has been completed on the site for the past several years. The site received a Site Plan Modification approval through the adoption of Resolution 14-04 to reduce the approved square footage of commercial from 125,000 square feet to 120,800 square feet. The site also received a Site Plan Modification approval through the adoption of Resolution 16-46 to increase the back to 125,000 square feet and three Special Exception Approvals to allow for a “Restaurant, with drive-through” within Building B1; a “Child day care facility” within Building C; and a “Senior housing facility” within Building D on the proposed Tract D. Later, the site received a Site Plan Modification approval through the adoption of Resolution 20-18 to convert the approved 120-student and 12,500-square foot daycare facility to a 12,100 square foot Medical/Professional Office. Most recently, Village Council approved Application No. 21-129 (SPM, SE, AAR) through the adoption of Resolution No. 22-19 to allow a “Restaurant with drive through” without a menu board or speaker box, add a combined 1,249 square feet to buildings B1 and B2, and various reconfigurations.

V. Analysis:

The applicant, JMorton Planning & Landscape Architecture, is requesting a Major Site Plan Modification Approval in order to increase the outdoor seating square footage, update sidewalks, relocate the required art in public places piece, and modify the landscaping onsite, for a property located at 11925 & 11931 Southern Boulevard. The site is located within the Mixed-Use Development (MXD) Zoning District. For an illustration of the Site Plan, please refer to **Attachment C**, and for an Illustration of the Landscape Plan please refer to **Attachment D**.

The proposed modifications to the Site Plan include an addition of a 300 square feet of outdoor seating area south of Building B1 and widening the sidewalk to eight (8) feet in this area to meet Village Code requirements; modify the configuration of the public gathering area between Building B1 and Building B2 by relocating the approved art piece and reduce the number of trees in this area from eight (8) trees to one (1) tree. The seven (7) trees have been relocated to the landscape area to the north, south buffer, and to the foundation plantings of Building A.

In reviewing this petition, Village Staff considered conformity with Chapter 26 of the Village’s Code of Ordinances. Specifically, the proposed site meets the requirements for the Mixed Use Development (MXD) Zoning District as follows:

1. Parcel size: The overall site is 35.23± acres which exceeds the minimum of 30.0 acres required for developments in the MXD Zoning District.
2. Setbacks: The proposed building conforms to the setback standards for the MXD Zoning District.
3. Pervious area: The proposed Site Plan provides 44% of the site as pervious area, which exceeds the minimum 40% required for developments in the MXD Zoning District.

4. Parking Requirements: The proposed Site Plan complies with the parking standards of Village Code.
5. Landscape Areas: The proposed landscape plan meets all of the minimum planting material standards of Chapter 15 Landscaping.
6. Maximum Building Height: The proposed buildings meet the height limitations for the specific uses.
7. Stacking/Bypass: The proposal complies with the parking standards of Village Code for a restaurant with drive-through.

Overall, the proposed Site Plan Modification meets all of the Village's requirements for this type of use in the Mixed Use Development (MXD) Zoning District.

VI. Disposition Options:

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

VII. Staff Recommendation:

Staff is recommending Approval of Application No. 23-096 (SPM) and Resolution 23-44.

VIII. Hearing History:

Planning and Zoning Commission:

The Planning and Zoning Commission considered the application on November 28, 2023, and recommended Approval by a vote of 4-0.

Attachment A
Legal Description
Cypress Key Town Centre West Commercial Parcel
Application No. 23-096 (SPM)
Resolution No. 23-44

Directly below is the Legal Description of the subject site:

TRACTS A AND B "CYPRESS KEY TOWN CENTRE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126 AT PAGES 179 THROUGH 182 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 4.161 ACRES, MORE OR LESS.

Attachment B
Conditions of Approval
Cypress Key Town Centre West Commercial Parcel
Application No. 23-096 (SPM)
Resolution No. 23-44

1. Development Order:

This development order constitutes approval for:

Major Site Plan Modification Approval in order to increase the outdoor seating square footage, update sidewalks, relocate the required art in public places piece, and modify the landscaping onsite, for a property located at 11925 & 11931 Southern Boulevard. The site is located within the Mixed-Use Development (MXD) Zoning District.

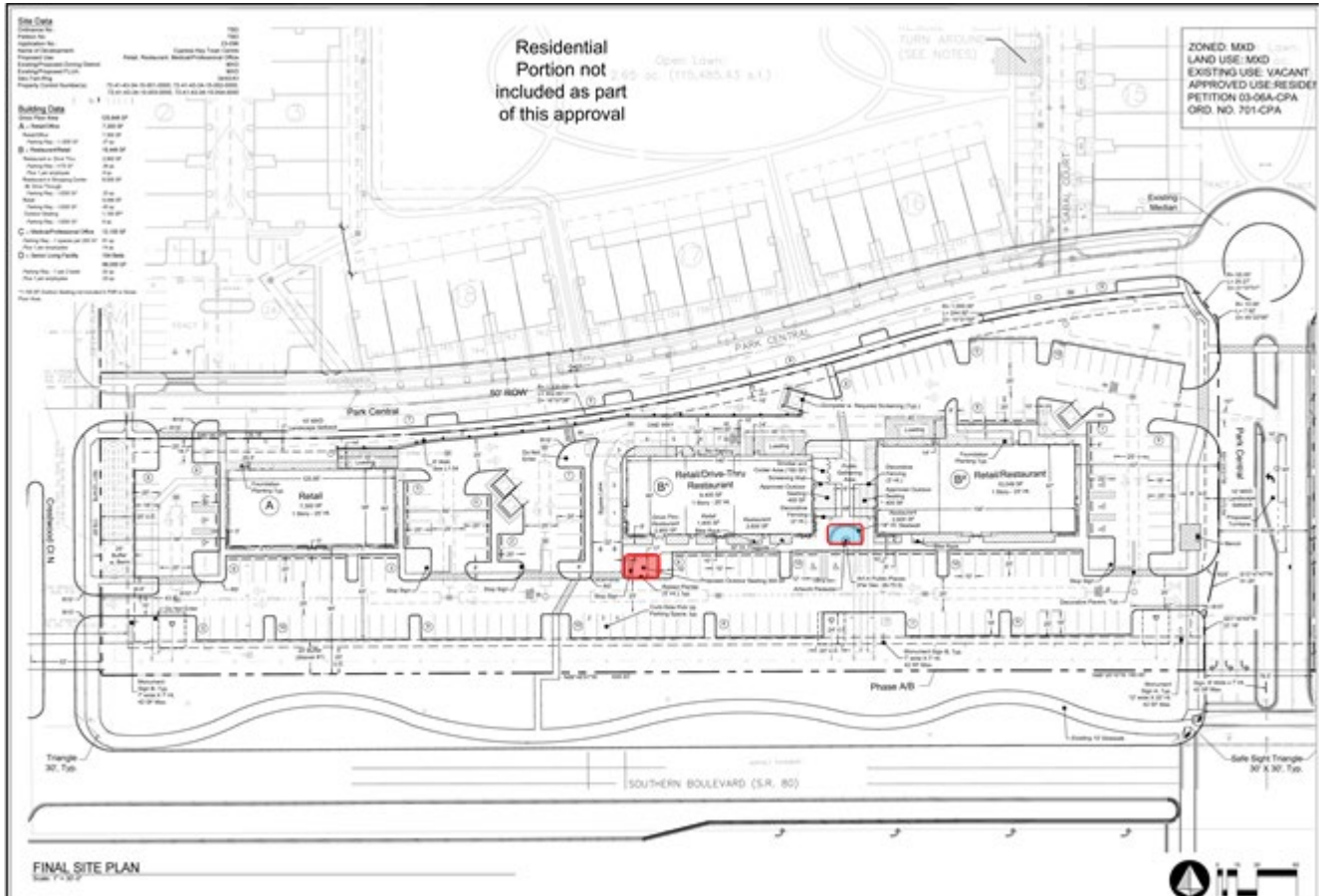
Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All other conditions imposed by previous approvals shall remain in full force and effect unless specifically modified herein.

2. Site Specific Conditions:

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. The site shall be maintained free of all trash at all times.
- E. The Applicant shall submit an updated Site Plan for Final Site Plan Sign-Off that includes the changes approved through the Minor Site Plan Modification Application No. 23-139.

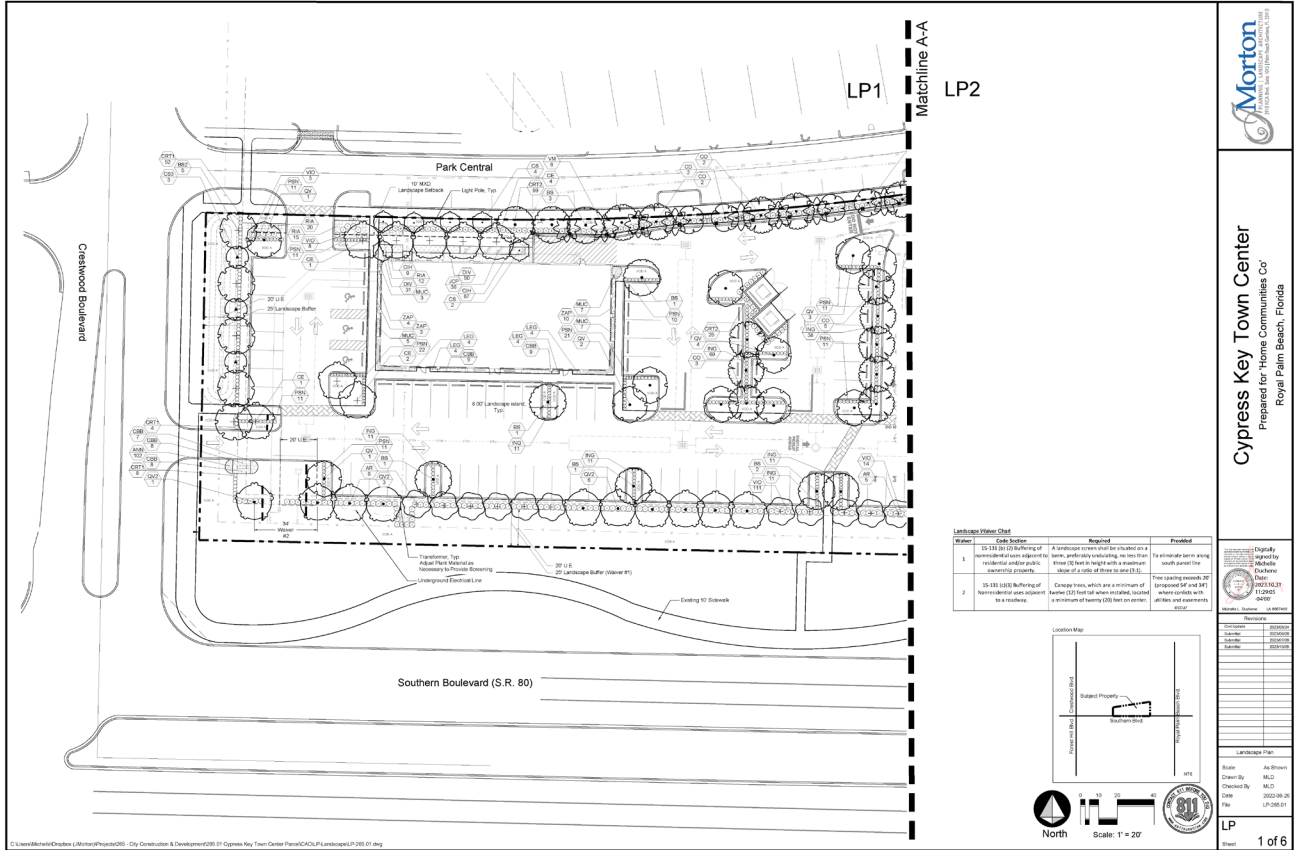
Attachment C
Site Plan
Cypress Key Town Centre West Commercial Parcel
Application No. 23-096 (SPM)
Resolution No. 23-44

Directly below is an illustration of the Site Plan. The added outdoor seating square footage is highlighted in red. The new location for the Art In Public Places piece is highlighted in blue. The location for the art piece was shifted a few feet to the west and is in the same general location as the previously approved location.



Attachment D Landscape Plan Cypress Key Town Centre Application No. 23-096 (SPM) Resolution No. 23-44

Directly below is an illustration of the Landscape Plan:



RESOLUTION NO. 23-44

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-096 (SPM) – THE APPLICATION OF JMORTON PLANNING & LANDSCAPE ARCHITECTURE - PERTAINING TO A SITE PLAN MODIFICATION APPROVAL TO INCREASE THE OUTDOOR SEATING SQUARE FOOTAGE, UPDATE SIDEWALKS, RELOCATE THE ART IN PUBLIC PLACES AND MODIFY THE LANDSCAPING ONSITE, FOR A PROPERTY LOCATED AT 11925 & 11931 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. 23-096 (SPM) was presented to the Village Council at its public hearing conducted on December 7, 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. 23-096 (SPM), THE APPLICATION OF JMORTON PLANNING & LANDSCAPE ARCHITECTURE ON BEHALF OF OWNER BOULEVARD SHOPPES, 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 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 7th day of December, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Cypress Key Town Centre West Commercial Parcel
Application No. 23-096 (SPM)
Resolution No. 23-44

LEGAL DESCRIPTION:

TRACTS A AND B "CYPRESS KEY TOWN CENTRE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 126 AT PAGES 179 THROUGH 182 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 4.161 ACRES, MORE OR LESS.

Exhibit B
Conditions of Approval
Cypress Key Town Centre West Commercial Parcel
Application No. 23-096 (SPM)
Resolution No. 23-44

1. Development Order:

This development order constitutes approval for:

Major Site Plan Modification Approval in order to increase the outdoor seating square footage, update sidewalks, relocate the required art in public places piece, and modify the landscaping onsite, for a property located at 11925 & 11931 Southern Boulevard. The site is located within the Mixed-Use Development (MXD) Zoning District.

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 project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. The site shall be maintained free of all trash at all times.
- E. The Applicant shall submit an updated Site Plan for Final Site Plan Sign-Off that includes the changes approved through the Minor Site Plan Modification Application No. 23-139.

Exhibit C
Site Plan
Cypress Key Town Centre West Commercial Parcel
Application No. 23-096 (SPM)
Resolution No. 23-44

Directly below is an illustration of the Site Plan. The added outdoor seating square footage is highlighted in red. The new location for the Art In Public Places piece is highlighted in blue. The location for the art piece was shifted a few feet to the west and is in the same general location as the previously approved location.

