

**Village of Royal Palm Beach
Planning and Zoning Commission
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 17-0036 (PP), AN APPLICATION BY URBAN DESIGN KILDAY STUDIOS, AND ADOPTION OF RESOLUTION 19-14 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING PRELIMINARY PLAT APPROVAL FOR A 156.258± ACRE PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (U.S. 441).; REPRESENTED BY: ERIN WOHLITKA OF URBAN DESIGN KILDAY STUDIOS.

Issue:

This is an application for Preliminary Plat approval for a 156.258± acre parcel of land located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (U.S. 441). The land being platted lies within Zoning Districts that allow multi-family, single-family, commercial and public park uses. The Applicant is proposing to plat the 156.258± acres as eight (8) separate tracts. The property is being platted in order to allow for a Planned Commercial/Residential Development. The Preliminary Plat is consistent with the proposed development of the site. The plat conforms to the platting requirements of Village Code, more specifically:

- *Sec. 22-22 Preliminary Plat – Requirements Generally.:* the plat contains all of the information required;
- The platted property meets all dimensional requirements of the zoning districts that are within the platted area.

The preliminary plat is consistent with the currently approved Site Plans for Pod 2, Pod 3, Pod 4 and the Site Plan for Erica Blvd.

The Planning and Zoning Commission considered this Application at their December 16, 2019 meeting.

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	12-19-2019	Action

RESOLUTION NO. 19-14

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 17-0036 (PP) – THE APPLICATION OF URBAN DESIGN KILDAY STUDIOS – PERTAINING TO PRELIMINARY PLAT APPROVAL FOR A 156.258± ACRE PARCEL OF LAND LOCATED ON SOUTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (U.S. 441), 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. 17-0036 (PP) was presented to the Village Council at its public hearing conducted on December 19, 2019; 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. 17-0036 (PP), THE APPLICATION OF URBAN DESIGN KILDAY STUDIOS, 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 19th day of December, 2019.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Southern Boulevard Properties
17-0036(PP)
Res. No. 19-14

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SHOPPES AT VILLAGE ROYALE AS RECORDED IN PLAT BOOK 124, PAGES 68 THROUGH 71, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING A PORTION OF THE PLAT OF PALM BEACH FARMS PLAT NO.3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING WITHIN THE MUNICIPAL LIMITS OF THE VILLAGE OF ROYAL PALM BEACH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 36, N89°00'03"W, A DISTANCE OF 234.75 FEET; THENCE LEAVING SAID SOUTHERLY SECTION LINE, S01°37'59"W A DISTANCE OF 40.00 TO THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THE LAKE WORTH DRAINAGE DISTRICT S-4E CANAL (114' WIDE RIGHT-OF-WAY) AS RECORDED IN OFFICIAL RECORD BOOK 2659, PAGE 109 AND OFFICIAL RECORD BOOK 937, PAGE 375, WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO.7 (U.S. HIGHWAY NO. 441) AS RECORDED IN OFFICIAL RECORD BOOK 5308, PAGE 199, OFFICIAL RECORD BOOK 5345, PAGE 591, AND OFFICIAL RECORD BOOK 10084, PAGE 365, AND BEING THE POINT OF BEGINNING; SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE PLAT OF GROVES AT ROYAL PALM, AS RECORDED IN PLAT BOOK 100, PAGES 158-160 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE ALONG THE NORTHERLY LINE OF SAID PLAT, ALSO BEING THE SOUTHERLY LINE OF SAID LWDD CANAL S-4E, N89°00'03"W A DISTANCE OF 1262.03 FEET; THENCE LEAVING SAID LINE, N01°05'13"W A DISTANCE OF 114.08 FEET TO A POINT ON THE NORTHERLY LINE OF THE LAKE WORTH DRAINAGE DISTRICT S-4E CANAL (80' WIDE RIGHT-OF-WAY) AS RECORDED IN OFFICIAL RECORD BOOK 937, PAGES 375, AND 382 AND AUXILIARY POINT A; THENCE ALONG SAID NORTHERLY LINE, S89°03'00"E A DISTANCE OF 1264.80 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO.7; THENCE ALONG SAID RIGHT-OF-WAY LINE S00°18'24"W A DISTANCE OF 114.01 TO THE POINT OF BEGINNING.

THENCE FROM AUXILIARY POINT A, N89°00'03"W A DISTANCE OF 14.46 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 160.00 FEET AND A CENTRAL ANGLE OF 14°27'44"; THENCE ALONG AND WITH SAID CURVE FOR A DISTANCE OF 40.39 FEET TO THE POINT OF TANGENCY; THENCE N74°32'19"W A DISTANCE OF 26.92 FEET; THENCE S01°05'13"E A DISTANCE OF 45.81 FEET; THENCE N89°00'04"W A DISTANCE OF 1096.91 FEET; THENCE S01°50'51"W A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH LINE OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE ALONG SAID SOUTH LINE N88°59'05"W A DISTANCE OF 572.85 FEET; THENCE LEAVING SAID SOUTH LINE S01°50'01"W A DISTANCE OF 900.85 FEET; THENCE S88°57'45"E A DISTANCE OF 572.63 FEET TO A POINT ON THE WEST LINE OF A 80 FOOT WIDE LAKE WORTH DRAINAGE DISTRICT CANAL EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 937, PAGES 378, 379 AND 382, PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG SAID WEST LINE S01°50'51"W A DISTANCE OF 723.62 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE 60 FOOT S-4W CANAL FOR LAKE WORTH DRAINAGE DISTRICT AS RECORDED IN OFFICIAL RECORD BOOK 937, PAGE 374, PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N88°59'05"W A DISTANCE OF 2607.66 FEET TO A POINT ON THE WESTERLY SECTION LINE OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST; THENCE ALONG SAID WESTERLY SECTION LINE N01°50'01"E A DISTANCE OF 1624.68 FEET TO THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE

WEST LINE OF SAID SECTION 36, N01°30'19"E, A DISTANCE OF 142.27 FEET; THENCE LEAVING SAID WESTERLY SECTION LINE, S88°59'05"E A DISTANCE OF 1252.51 FEET; THENCE N04°44'26"E A DISTANCE OF 550.90 FEET; THENCE N88°59'05"W A DISTANCE OF 348.57 FEET; THENCE N01°30'19"E A DISTANCE OF 471.00 FEET; THENCE S87°52'10"E A DISTANCE OF 656.66 FEET; THENCE N04°06'31"E A DISTANCE OF 85.04 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL (C-51) SAID LINE BASED ON A LETTER FROM BLAIR LITTLEJOHN (COUNSEL TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT), TO JERALD CANTON ESQ. DATED NOVEMBER 29, 2000 (VERIFIED BY MEETING WITH SFWMD MARCH 2007); THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S87°52'10"E A DISTANCE OF 1103.60 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE S01°31'44"W A DISTANCE OF 341.89 FEET; THENCE S88°33'11"E A DISTANCE OF 1048.97 FEET TO A POINT ON THE WESTERLY PLAT LINE OF LOWE'S HOME CENTER, AS RECORDED IN PLAT BOOK 87, PAGES 193-195 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG SAID WESTERLY PLAT LINE S01°05'13"E A DISTANCE OF 790.07 FEET TO AUXILIARY POINT A.

CONTAINING 156.258 ACRES

Exhibit B
Conditions of Approval
Southern Boulevard Properties
17-0036(PP)
Res. No. 19-14

1. Site Specific Conditions of Approval:

- A. For residential properties within the plat boundaries, no Engineering permit applications shall be accepted prior to the preliminary master plat approval by Village Council. No Building Permit applications shall be accepted prior to Master Plan approval, and Final Master Plat approval. After building permit applications are accepted, the residential developer may seek conditional building permits per Sec. 22-24 of Village Code. Additionally, no Certificate of Occupancy shall be issued until the public park is deeded and accepted by the Village of Royal Palm Beach, unless a different time frame for the deed and acceptance is agreed to by the Village in the Construction Agreement for Required Improvements, and no Certificate of Occupancy shall be issued until all Tier 1 public improvements supporting the plat have been completed and accepted in accordance with Chapter 22 of Village Code including, but not limited to, the completion of Erica Blvd. from State Road 7 to Tuttle Blvd. and Lulfs Road to the proposed public park site.
- B. For non-residential properties within the plat boundaries, no Engineering permit applications shall be accepted prior to the preliminary master plat approval by Village Council. No Building Permit applications shall be accepted prior to Master Plan approval, and Final Master Plat approval. No conditional building permits per Sec. 22-24 of Village Code shall be issued for non-residential properties. Building permits shall be issued upon completion and acceptance of the Tier 1 public improvements supporting the plat in accordance with Chapter 22 of Village Code including, but not limited to, the completion of Erica Blvd. from State Road 7 to Tuttle Blvd., and Lulfs Road to the proposed public park site.
- C. The Lowe's Major Site Plan Modification and the Discount Tire Minor Site Plan Modification shall be completed and approved by the Village prior to issuance of any Engineering permits for the Subdivision and prior to Final Master Plat Approval by the Village Council. The completion of the Lowe's Major Site Plan Modification and the Discount Tire Minor Site Plan Modification, however, shall not be a condition precedent to the issuance of any Engineering permits for Tuttle Blvd. (including the bridge and traffic circle).
- D. The Master Property Owner's Association shall be created and registered with the State of Florida and the Master Property Owner's Association governing documents (i.e., Declaration of Covenants and Restrictions) shall be recorded prior to Final Master Plat Approval. The governing documents shall be approved by the Village Attorney prior to recording.
- E. A portion of the Acme Road northeast easement area for ingress, egress, utility, construction and maintenance shall be located over and across PCN 72-42-43-27-05-009-0101 (TLH-26 Giles, LLC). This easement area includes AUE-4 on the Plat of Tuttle Royale and two areas within PCN 72-42-43-27-05-009-0101 that are located outside of the Plat boundaries. The easement shall be recorded prior to Final Master Plat Approval by the Village Council, and shall be approved

by the Village Attorney prior to recording. The easement shall provide ingress, egress, construction and maintenance rights to the Village (for the benefit of the public), the Master POA for Tuttle Royale, and TLH-26 Giles, LLC, and their respective successors and assigns. Any improvements to be located within the Lake Worth Drainage District (LWDD) S-4 Canal shall require permits from LWDD, and such permits shall be recorded in the public records of Palm Beach County, Florida. The Village of Royal Palm Beach, or its agents or assigns, shall have the right and authority, but not the obligation to approve, apply for and obtain permits, install, and maintain roadway and utility improvements within the easement area subject to permits from LWDD. The Village Royale Property Owners Association, Inc., and fee owner TLH-26 Giles, LLC hereby consent to the Village of Royal Palm Beach's, or its agents or assigns, right and authority to do these things on their behalf.

- F. A portion of the Acme Road northeast area for ingress, egress, utility, construction and maintenance shall be located over and across PCN 72-42-43-27-05-009-0095 (Southern Blvd. Villas, LLC). This area is designated as AUA-1 on the Plat of Tuttle Royale. The area is intended to provide ingress, egress, construction and maintenance rights to the Village (for the benefit of the public), the Master POA for Tuttle Royale, and Southern Blvd. Villas, LLC, and their respective successors and assigns. Any improvements to be located within AUA-1 shall require permits from LWDD in accordance with the 40 FT Wide LWDD Exclusive Easement (ORB 29629, PG 1389), and such permits shall be recorded in the public records of Palm Beach County, Florida. The Village of Royal Palm Beach, or its agents or assigns, shall have the right and authority, but not the obligation to approve, apply for and obtain permits, install, and maintain roadway and utility improvements within AUA-1 subject to permits from LWDD. The Village Royale Property Owners Association, Inc., and fee owner Southern Blvd. Villas, LLC hereby consent to the Village of Royal Palm Beach's, or its agents or assigns, right and authority to do these things on their behalf.
- G. The public park located in the Tuttle Royale Plat (POD 8) shall be deeded to the Village of Royal Palm Beach prior to or at the same time as Final Plat Approval by the Village Council. Per Secs. 22-3 and 22-24 of Village Code, the following tier I subdivision improvements shall be constructed or bonded for the park site prior to final plat approval: the park site shall be well graded and at an average elevation at or above the centerline of Lulfs Road; drainage culverts & inlets shall be stubbed inside the park property; the drainage culverts shall be sized and constructed to an offsite area that will provide drainage, flood plain compensating storage, and water quality for the park site; the assumed impervious area for the park site shall be 50%; gravity sewer and a manhole shall be stubbed inside the park property; a 6.0" watermain shall be stubbed inside the park; and after the completion of the said improvements the park site shall be seeded and mulched. The deed shall be approved by the Village Attorney prior to recording. The Master Developer shall be responsible for all costs to complete the subdivision improvements and to record the deed.
- H. The Village Engineering Department has prepared an engineering permit, building permit, and certificate of occupancy checklist for the Tuttle Royale subdivision. The checklist is attached hereto as Exhibit C. The checklist is for illustrative purposes and is designed to assist the Master Developer in organizing its efforts to obtain required approvals for the subdivision. The checklist may be modified by the Village Engineering Department as the subdivision progresses.

- I. A warranty deed from TLH-34 Lowres, LLC, or its successors and assigns, to the Lake Worth Drainage District shall be recorded prior to Final Master Plat Approval by the Village Council. The Final Master Plat shall reference the recording information for this warranty deed. The warranty deed shall be reviewed and approved by the Village Attorney and LWDD prior to recording. The warranty deed shall be for the parcel of land containing approximately 0.664 acres, more or less, located within the LWDD S-4 Canal and to the east of PCN: 72-41-44-01-00-000-3110.

Exhibit C
Subdivision Checklist
Southern Boulevard Properties
17-0036(PP)
Res. No. 19-14

**(FOR ILLUSTRATIVE PURPOSES ONLY; MAY BE REVISED BY THE VILLAGE
ENGINEERING DEPARTMENT AT ANY TIME)**