

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 19-0086 (SPM) AN APPLICATION BY URBAN DESIGN KILDAY STUDIOS AND RESOLUTION 20-11 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SITE PLAN MODIFICATION IN ORDER TO MODIFY THE EXISTING LOWE’S SHOPPING CENTER INGRESS/EGRESS ACCESS DRIVEWAY; FOR A 31.91 ACRE PROPERTY, LOCATED AT 103 S. STATE ROAD 7, AND SITUATED WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; BY AGENT: JEFF EVANS.

Issue:

The Applicant is seeking Site Plan Modification approval in order to modify the existing Lowe’s Shopping Center ingress/egress access driveway, for a property located at 103 South State Road 7 and situated on a 31.91 site located within the Lowe’s Planned Commercial Development (PCD). This area is the eastern most section of Erica Boulevard providing interconnectivity for Tuttle Royal Master Plan, Lowe’s Shopping Center, and the developments to the south. The modification is also designed to align with a proposed new signalized intersection at the southernmost entrance of the Lowe’s Shopping Center. This access point will line up with the Home Depot/El Dorado Plaza on the east site of State Road 7.

In reviewing this Site Plan Modification Application, Village staff considered conformity with the Village of Royal Palm Beach’s Zoning Code pertaining to the General Commercial (CG) Zoning District. The original Site Plan met all General Commercial (CG) Zoning District standards and the proposed modification to the existing Lowe’s Shopping Center ingress/egress access driveway also complies with these standards.

This item was considered by the Planning and Zoning Commission at its regular meeting on June 9, 2020 and was recommended for Approval by a vote of 5-0.

Recommended Action:

Village Staff is recommending Approval of Application 19-0086 (SPM) and Resolution 20-11.

Initiator	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	06-18-2020	Action

RESOLUTION NO. 20-11

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 19-0086 (SPM) – THE APPLICATION OF URBAN DESIGN KILDAY STUDIOS – PERTAINING TO SITE PLAN MODIFICATION TO MODIFY THE EXISTING LOWES’S SHOPPING CENTER INGRESS/EGRESS ACCESS DRIVEWAY, FOR A PROPERTY LOCATED AT 103 SOUTH STATE ROAD 7, 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. 19-0086 (SPM) was presented to the Village Council at its public hearing conducted on June 18, 2020; 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. 19-0086 (SPM), 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 18th day of June, 2020.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Lowe's Home Center Ingress/Egress Erica Boulevard
19-0086(SPM)
Res. No. 20-11

LEGAL DESCRIPTION:

TRACT 1A LOWE'S HOME CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 87, PAGE 193, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Exhibit B
Conditions of Approval
Lowe's Home Center Ingress/Egress Erica Boulevard
19-0086(SPM)
Res. No. 20-11

1. Development Order:

This development order constitutes approval for:

Site Plan Modification approval in order to modify the existing Lowe's Shopping Center ingress/egress access driveway for a property located at 103 South State Road 7 and situated on a 31.91 site located within the Lowe's Planned Commercial Development (PCD).

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. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- C. The site shall be maintained free of all trash at all times.
- D. Per the Easement Agreement recorded at Official Record Book 30459, Page 1338 in the Public Records of Palm Beach County, Florida, the developer of Erica Blvd. (TLH-20 Hughes, LLC, affiliated Tuttle entities, and Southern Blvd. Villas, LLC), and the underlying property owner (Lowe's Home Centers, LLC), and their respective successors and assigns (i.e., the Master Property Owners' Association for the Tuttle Royale Project), shall comply with all requirements of that Agreement at all times including, but not limited to, all insurance requirements.
- E. During construction of Erica Boulevard, the developer (TLH-20 Hughes, LLC, affiliated Tuttle entities, and Southern Blvd. Villas, LLC), and the underlying property owner (Lowe's Home Centers, LLC), and their respective successors and assigns, shall not take any action to block or impede pedestrian or vehicular access to and from both cross-connection points that connect the Lowe's Property to the Publix Property. One cross-connection point shall remain open at all times during construction.

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 Section 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.

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Lowe’s Home Center Ingress/Egress Erica Boulevard

Application: 19-0086 (SPM) (Res. 20-11)

Applicant/Agent: Urban Design Kilday Studios
 c/o Tuttle Land Investments
 Jeff Evans
 520 SW 12th Avenue
 Deerfield Beach, FL 33442

Request: Site Plan Modification, in order to modify the existing Lowe’s Shopping Center ingress/egress access driveway, for a property located at 103 South State Road 7.

Recommendation: Approval

Hearings:	Planning & Zoning Commission	June 9, 2020
	Village Council	June 18, 2020

II. Site Data:

Site Area: 31.91 acres

Property Control Numbers: 72-41-43-360-1000-0010

Existing Land Use: Existing Lowe’s Shopping Center ingress/egress access driveway

Proposed Land Use: Reconfiguration of existing Lowe’s Shopping Center ingress/egress access driveway

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: Commercial General (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning

Dir.	Existing:	FLUM:	Zoning:
<i>North</i>	Lowe’s Shopping Center	Commercial (COM)	Commercial General (CG)
<i>South</i>	Anthony Groves Commercial	Commercial (COM)	Commercial General (CG)
<i>East</i>	Home Depot Center	Commercial (CH, PBC)	Commercial General (CG, PBC)
<i>West</i>	Southern Blvd. Pod 3	Multi-Family High Density Residential (MFH)	Multifamily Residential District (RM-14)

Below is Figure 1 a Location Map for the site:



III. Intent of Petition:

The Applicant is seeking Site Plan Modification approval in order to modify the existing Lowe’s Shopping Center ingress/egress access driveway, for a property located at 103 South State Road 7 and situated on a 31.91 site located within the Lowe’s Planned Commercial Development (PCD). This area is the eastern most section of Erica Boulevard providing interconnectivity for Tuttle Royale Master Plan, Lowe’s Shopping Center, and the developments to the south. For an illustration of the proposed improvements please refer to **Attachment C** and refer to **Attachment D** for an illustration of the overall Master Plan. The modification is also designed to align with a proposed new signalized intersection at the southernmost entrance of the Lowe’s Shopping Center. This access point will line up with the Home Depot/El Dorado Plaza on the east site of State Road 7.

IV. History:

The subject property is located within the Lowe’s Center Planned Commercial Development (PCD), located southwest of the intersection of Southern Boulevard and State Road 7. The Lowe’s Shopping Center Site was originally approved for a 177,268 square foot Lowe’s

Shopping Center and Garden Center by adoption of Resolution 99-10 by Village Council on February 18, 1999.

V. Analysis:

The Applicant is seeking Site Plan Modification approval in order to modify the existing Lowe's Shopping Center ingress/egress access driveway, for a property located at 103 South State Road 7 and situated on a 31.91 site located within the Lowe's Planned Commercial Development (PCD). This area is the eastern most section of Erica Boulevard providing interconnectivity for Tuttle Royale Master Plan, Lowe's Shopping Center, and the developments to the south. The modification is also designed to align with a proposed new signalized intersection at the southernmost entrance of the Lowe's Shopping Center. This access point will line up with the Home Depot/El Dorado Plaza on the east site of State Road 7.

In reviewing this Site Plan Modification Application, Village staff considered conformity with the Village of Royal Palm Beach's Zoning Code pertaining to the General Commercial (CG) Zoning District. The original Site Plan met all General Commercial (CG) Zoning District standards and the proposed modification to the existing Lowe's Shopping Center ingress/egress access driveway also complies with these standards.

Overall, the proposed Site Plan Modification meets all of the Village's requirements for this modification within the General Commercial (CG) zoning district.

VI. Disposition Options:

In considering this application the options available are as follows:

1. Recommend Approval;
2. Recommend Approval with Conditions;
3. Recommend Denial.

VII. Staff Recommendation:

Village Staff is recommending Approval of Application 19-0086 (SPM) and Resolution 20-11.

VIII. Hearing History:

Planning and Zoning Commission

The Planning and Zoning Commission considered the application on June 9, 2020, and recommended Approval by a vote of 5-0.

**Attachment A
Legal Description
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19-0086 (SPM)
Resolution 20-11**

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- I. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

**Attachment D
Master Plan
Lowe's Home Center Ingress/Egress Erica Boulevard
19-0086 (SPM)
Resolution 20-11**

Below is an illustration of the Master Plan with the affected portion of Erica Boulevard highlighted in green.

