

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 21-62 (SPM, AAR), AN APPLICATION BY TUTTLE ROYALE APARTMENTS, LLC, AND RESOLUTION 22-02 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN MODIFICATION, AND ARCHITECTURAL APPROVAL FOR A 401-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (U.S. 441). BY AGENT: JEFF EVANS.

Issue:

The Applicant is seeking a Major Site Plan Modification and Architectural Approval to amend the approved Site Plan for a 401-unit multifamily residential development on a 29.356± acre parcel of land located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). The request proposes to revise the unit mix, add six (6) detached garage structures, add eleven (11) carport structures, add another mail kiosk, change the building type on four (4) buildings; add fenced yards, install additional handicapped spaces, install ramps at both trash compactors, add parking inlet, coordination of dog run entry, and divide the dog park based on animal size.

Overall, and except for the Landscape Waiver requested in Application 21-75(LW), the proposed Site Plan Modification is in conformance with the Village's requirements for the Multifamily Residential (RM-14) Zoning District.

This item was considered by the Planning and Zoning Commission at its regular meeting on February 22, 2022, and was recommended for Approval by a vote of 4-0.

Recommended Action:

Staff is recommending approval of Application No. 21-62 (SPM, AAR) and Resolution 22-02. This recommendation is contingent upon the approval of the Amended and Restated Development Agreement (Application 19-0120(DA)) and the Landscape Waiver Application 21-75(LW) and LW-22-01.

Initiator	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	3-17-2022	Action

Z:\Project Files 12-11-02\Southern Blvd Properties (Tuttle Royale)_POD 2 (aka Phase 1 South A)\21-62 (SPM, AAR) Pod 2\Board Documents\AIS & Staff Report\Agenda Item Summary\21-62 (SP AAR) Southern Boulevard Properties Pod 2 VC.doc

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Southern Boulevard Properties Pod 2

Application: 21-62 (SPM, AAR) (Res. No. 22-02)

Applicant: Tuttle Royal Apartments, LLC
Through Agent Jeff Evans (Evans Land Consulting, LLC)

1440 SW 20th Street
Boca Raton, FL 33486

Request: Site Plan Modification and Architectural Approval to amend the approved Site Plan for a 401-unit multifamily residential development on a 29.356± acre parcel of land lying within the Multifamily Residential District (RM-14) Zoning District, located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (U.S. 441).

Hearings: Planning and Zoning Commission: February 22, 2022
Village Council: March 17, 2022

Recommendation: Approval

II. Site Data:

Site Area: 29.356± acres

Property Control Numbers: 72 41 44 01 00 000 3010, 3120, 3030, 3040,
72 41 43 36 00 000 7020, 7030, 7040, 7230, &
12 004 0021

Existing Land Use: Single-Family Residential

Existing FLUM Designation: Multi-Family High Density Residential (MFH)

Proposed FLUM Designation: N/A

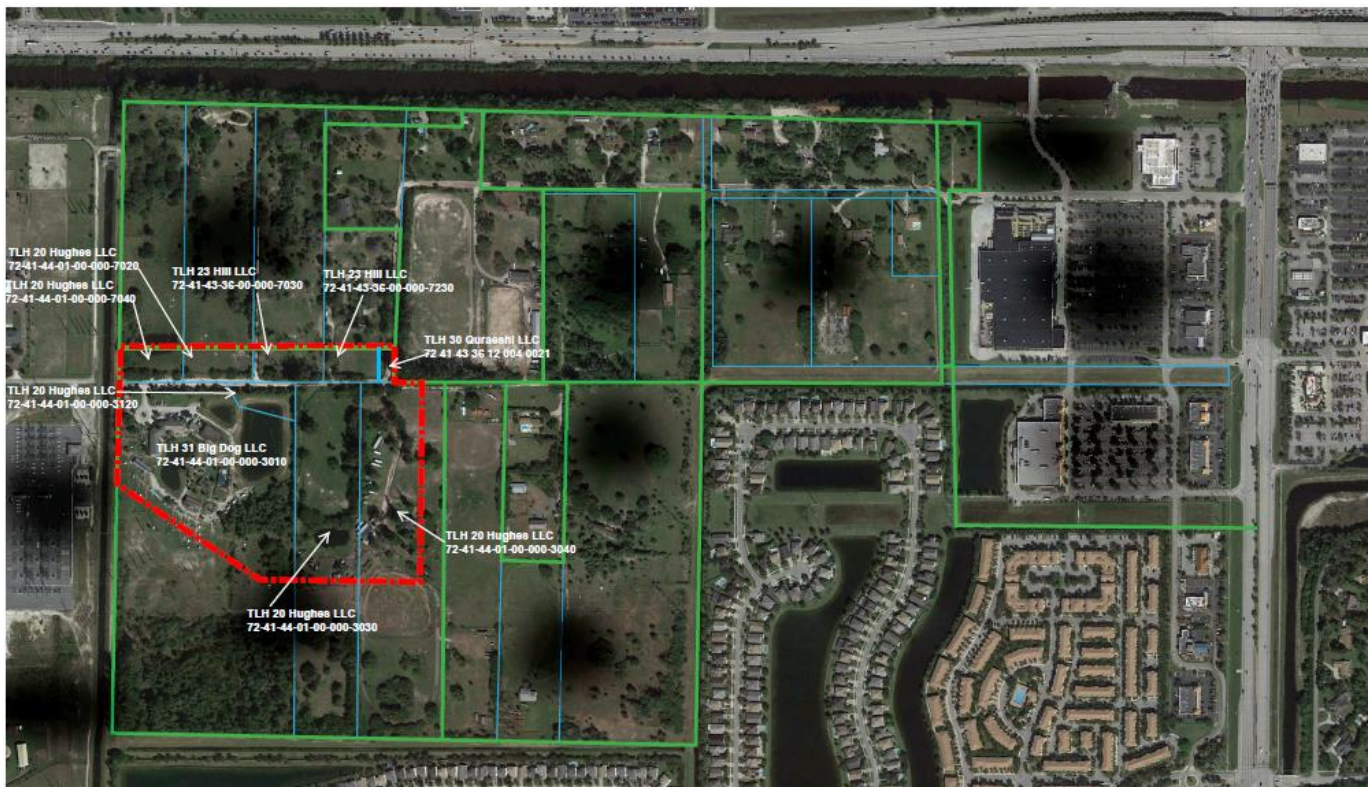
Existing Zoning District: Multi-Family Residential (RM-14)

Proposed Zoning: N/A

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

Dir.	Existing Use:	FLUM:	Zoning:
North	Phase 1 North	Multi-Family High (MFH)	Multi-Family Residential (RM-18)
South	Pod 4	Single-Family (SF, RPB)	Single-Family (RS-3)
East	Pod 7	Low Residential (LR-2, PBC)	Agricultural Residential (AR, PBC)
West	FPL Service Facility	Utility (U, Wellington)	Utility (U, Wellington)

Figure 1: Location Map



III. Intent of Petition:

The Applicant is seeking a Major Site Plan Modification and Architectural Approval to amend the approved Site Plan for a 401-unit multifamily residential development on a 29.356± acre parcel of land located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). The request proposes to revise the unit mix, add six (6) detached garage structures, add eleven (11) carport structures, add another mail kiosk, change the building type on four (4) buildings; add fenced yards, install additional handicapped spaces, install ramps at both trash compactors, add parking inlet, coordination of dog run entry, and divide the dog park based on animal size.

The applicant is also requesting a Landscape Waiver (Application 21-75(LW)) from Village Code Section 15-131(d)(1) to allow a minimum of an 11 inch and a maximum of one (1) foot 10 inch encroachment into the required 25 feet perimeter landscape buffer to accommodate certain parking garages.

IV. History:

The subject property is located on the south side of Southern Boulevard and west of State Road 7. The parcels are contiguous to the Village boundary on the north, south and east sides and adjacent to Wellington's boundary on the west side. The properties were annexed into the Village Boundary by adoption of Ordinance 894 by the Village Council on October 16, 2014. Subsequently, the Village assigned a Village Land Use Designation of Multi-Family High Density 21-62 (SPM, AAR) (Res. 22-02)

Residential (MFH) to the site, through adoption of Ordinance 971 by the Village Council on March 7, 2019. The property was assigned a Village Zoning District of Multi-family residential (RM-14) by the Village Council through the adoption of Ordinance 985 on April 18, 2019. The property received Site Plan approval for a 401-multifamily development by Village Council through the adoption of Resolution 19-31 on November 21, 2019.

V. Analysis:

The Applicant is seeking approval for a Major Site Plan Modification and Architectural changes to amend the approved Site Plan for a 401-unit multifamily residential development on a 29.356± acre parcel of land located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). The request proposes to revise the unit mix, add six (6) detached garage structures, add eleven (11) carport structures, add another mail kiosk, change the building type on four (4) buildings; add fenced yards, install additional handicapped spaces, install ramps at both trash compactors, add parking inlet, coordination of dog run entry, and divide the dog park based on animal size.

The applicant is also requesting a Landscape Waiver (Application 21-75(LW)) from Village Code Section 15-131(d)(1) to allow for a minimum of 11 inch and a maximum of one (1) foot 10 inch encroachment into the required 25 feet perimeter landscape buffer to accommodate certain parking garages.

In reviewing this petition, Village staff considered conformity with the Village of Royal Palm Beach's Zoning Code pertaining to the Multifamily Residential (RM-14) Zoning District. Specifically, the proposed project meets the requirements for the Multifamily Residential (RM-14) Zoning District as follows:

1. Parcel size: The site is 29.356± acres in size and exceeds the minimum area required for the Multifamily Residential (RM-14) Zoning District designated property of three (3) acres.
2. Parcel width: The property is approximately 1,252.51 feet wide and exceeds the minimum parcel width of 200 feet.
3. Setbacks: The proposed buildings meet the required setbacks for this zoning district.
4. Pervious area: The proposed site plan provides 49.62% of the site as pervious area which exceeds the minimum 49% required by Village Code.
5. Parking Requirements: This property received a parking variance to allow 163 tandem parking spaces to count toward required parking.
6. Landscape Areas: The proposed site plan complies with all aspects of the Village's Landscape Code, except for the 25 feet perimeter landscape buffer requirement being considered for a Landscape Waiver.
7. Maximum Building Height: The Applicant is proposing to construct 15, three (3) story and 11, two (2) story townhouse style, multifamily buildings with a

maximum building height as measured by Village Code of 32 feet and which falls within the height limitation of 32 feet within this Zoning District.

Overall, and except for the parking variances previously granted by the Village Council, reductions in apartment unit sizes as approved in the Development Agreement approved by the Village Council, and landscape waiver requests, the proposed Site Plan Modification is in conformance with the Village's requirements for the Multifamily Residential (RM-14) Zoning District. Please refer to **Attachment C** for an illustration of the Site Plan.

VI. Staff Recommendation:

Staff is recommending approval of Application No. 21-62 (SPM, AAR) and Resolution 22-02. This recommendation is contingent upon the approval of the Amended and Restated Development Agreement (Application 19-0120) and the Landscape Waiver Application 21-75(LW) and LW-22-01.

VII. Hearing History:

Planning and Zoning Commission:

This item was considered by the Planning and Zoning Commission at its regular meeting on February 22, 2022, and was recommended for Approval by a vote of 4-0,

Attachment A
Legal Description
Southern Boulevard Properties Pod 2
21-62 (SPM, AAR)
Resolution No. 22-02

Legal Description:

A PARCEL OF LAND BEING A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, TOGETHER WITH A PORTION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT 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 S04°44'26"W A DISTANCE OF 195.87 FEET; THENCE N89°52'27"E A DISTANCE OF 22.93 FEET; THENCE S44°16'15"E A DISTANCE OF 50.38 FEET; THENCE N87°18'52"E A DISTANCE OF 49.35 FEET; THENCE N46°33'16"E A DISTANCE OF 24.60 FEET; THENCE S88°59'05"E A DISTANCE OF 104.89 FEET; THENCE S01°52'12"W A DISTANCE OF 35.00 FEET; THENCE S36°03'30"W A DISTANCE OF 83.87 FEET; THENCE S01°49'41" A DISTANCE OF 728.95 FEET TO THE NORTH LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 699, PAGE 534, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE N88°57'45"W A DISTANCE OF 645.18 FEET; THENCE N59°20'02"W A DISTANCE OF 890.38 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 459.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.356 ACRES MORE OR LESS.

Attachment B
Conditions of Approval
Southern Boulevard Properties Pod 2
21-62 (SPM, AAR)
Resolution No. 22-02

1. Development Order:

This development order constitutes approval for: Site Plan Modification and Architectural Approval for a Multifamily Residential development with 401 units on a 29.356± acre site, within 26 apartment buildings, with modifications that include revision to the unit mix, adding six (6) detached garage structures, adding eleven (11) carport structures, adding another mail kiosk, changing the building type on four (4) buildings; adding fenced yards, installing additional handicapped spaces, installing ramps at both trash compactors, adding parking inlet, coordination of dog run entry, and division of the dog park based on animal size, Architectural approval for the landscape plan, building design, and color and materials.

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. 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. Prior to the issuance of the first building permit, the applicant shall be required to pay a fee or bond in lieu of dedication of land and the Applicant shall make a payment of \$302,370 per acre fee in lieu of payment for the 1.816 acre recreation obligation for a total of \$549,103.92. The Applicant will also be dedicating 5.225 acres of land totaling 52.1% of their remaining 52.1% recreation obligation. The 5.225 acres shall be a part of Pod 8 which was intended to be the receiving area for the recreation obligations for Pods 2, 3, and 4 and total approximately 10 acres.
- E. The standalone garages shall not be used for storage to the extent that the garage is not able to be utilized for the parking of a vehicle. The standalone garage shall only be utilized by lessees within the complex.

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.
- M. 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 applicant 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

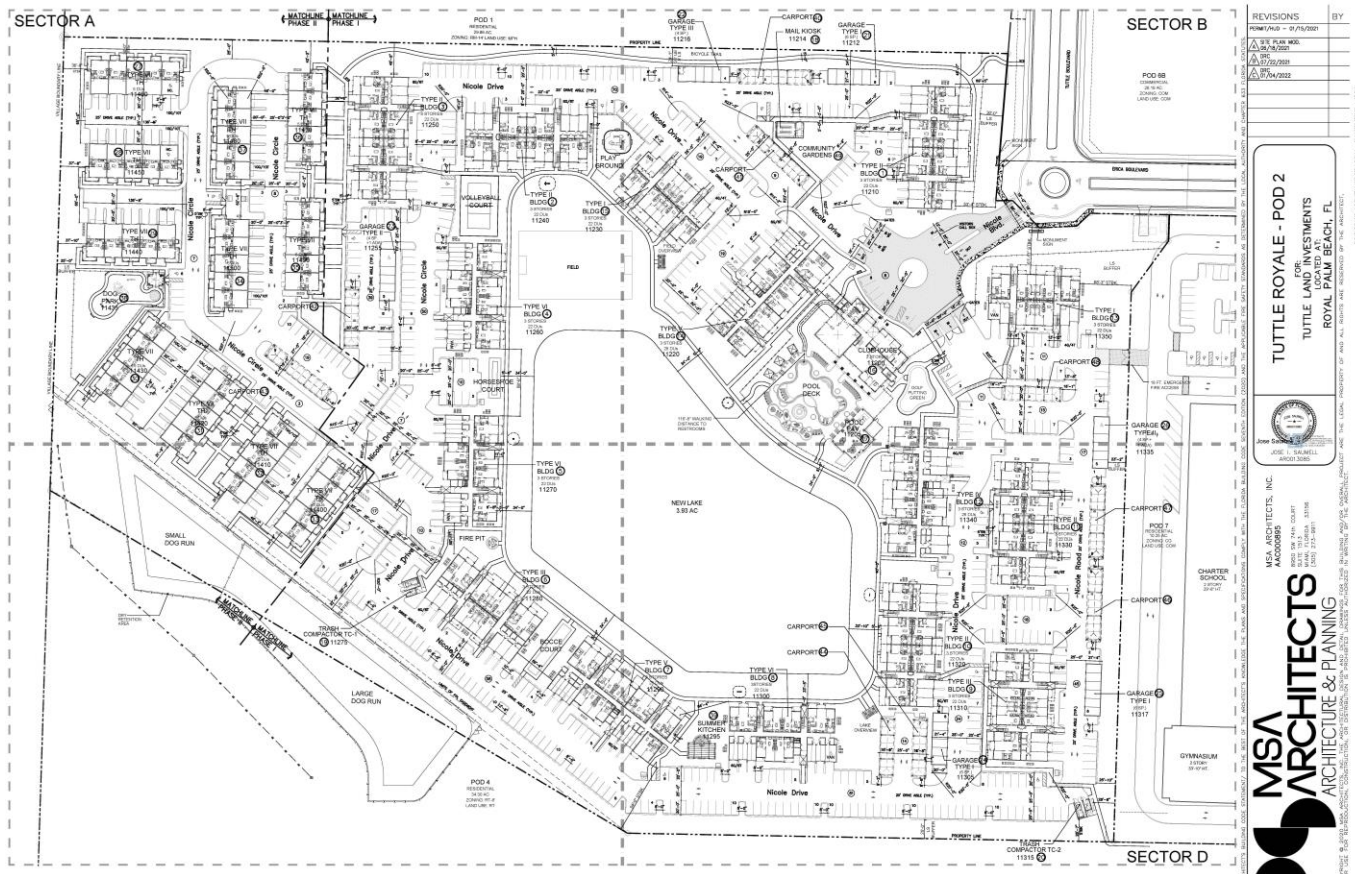
acceptance is agreed to by the Village in the Construction Agreement for Required Improvements, and no Certificate of Occupancy shall be issued until all infrastructure supporting the development is complete and accepted in accordance with Chapter 22 of Village Code including, but not limited to, the completion of all of Lowe's Road from State Road 7 to Tuttle Boulevard and Lulfs Road to the proposed public park site.

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. Participation in approved Streetscape programs shall be fully funded at the time of building permit issuance. Funding shall be a cash payment based on \$50.00 per linear foot frontage on Erica Boulevard (440 feet) for a total payment of \$22,000 and shall be paid prior to the issuance of a building permit.
- H. All Village Code required shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, and must be maintained at no less than thirty-six inches (36) in height.
- I. 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.
- J. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

Attachment C Site Plan

Directly below is an illustration of the proposed Site Plan. The zoom feature will aid in the viewing of this document.



RESOLUTION NO. 22-02

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 21-62 (SPM, AAR) – THE APPLICATION OF TUTTLE ROYALE APARTMENTS, LLC – PERTAINING TO SITE PLAN MODIFICATION AND ARCHITECTURAL APPROVAL FOR MODIFICATIONS TO THE 401 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT LOCATED ON THE 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. 21-62 (SPM, AAR) was presented to the Village Council at its public hearing conducted on March 17, 2022; 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. 21-62 (SPM, AAR), THE APPLICATION OF TUTTLE ROYALE APARTMENTS, 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 17th day of March, 2022.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Southern Boulevard Properties POD 2
21-62 (SPM, AAR)
Res. 22-02

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, TOGETHER WITH A PORTION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT 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 S04°44'26"W A DISTANCE OF 195.87 FEET; THENCE N89°52'27"E A DISTANCE OF 22.93 FEET; THENCE S44°16'15"E A DISTANCE OF 50.38 FEET; THENCE N87°18'52"E A DISTANCE OF 49.35 FEET; THENCE N46°33'16"E A DISTANCE OF 24.60 FEET; THENCE S88°59'05"E A DISTANCE OF 104.89 FEET; THENCE S01°52'12"W A DISTANCE OF 35.00 FEET; THENCE S36°03'30"W A DISTANCE OF 83.87 FEET; THENCE S01°49'41" A DISTANCE OF 728.95 FEET TO THE NORTH LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 699, PAGE 534, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE N88°57'45"W A DISTANCE OF 645.18 FEET; THENCE N59°20'02"W A DISTANCE OF 890.38 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 459.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.356 ACRES MORE OR LESS.

Exhibit B
Conditions of Approval
Southern Boulevard Properties POD 2
21-62 (SPM, AAR)
Res. 22-01

1. Development Order:

This development order constitutes approval for: Site Plan Modification and Architectural Approval for a Multifamily Residential development with 401 units on a 29.356± acre site, with modifications that include revision to the unit mix, adding six (6) detached garage structures, adding eleven (11) carport structures, adding another mail kiosk, changing the building type on four (4) buildings; adding fenced yards, installing additional handicapped spaces, installing ramps at both trash compactors, adding parking inlet, coordination of dog run entry, and division of the dog park based on animal size, Architectural approval for the landscape plan, building design, and color and materials.

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. 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. Prior to the issuance of the first building permit, the applicant shall be required to pay a fee in lieu of dedication of land and the Applicant shall make a payment of \$302,370 per acre fee in lieu of payment for the 1.816 acre recreation obligation for a total of \$549,103.92. The Applicant will also be dedicating 5.225 acres of land totaling 52.1% of their remaining 52.1% recreation obligation. The 5.225 acres shall be a part of Pod 8 which was intended to be the receiving area for the recreation obligations for Pods 2, 3, and 4 and total approximately 10 acres.
- E. The standalone garages shall not be used for storage to the extent that the garage is not able to be utilized for the parking of a vehicle. The standalone garage shall only be utilized by lessees within the complex.

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.

- M. 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 applicant 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 infrastructure supporting the development is complete and accepted in accordance with Chapter 22 of Village Code including, but not limited to, the completion of all of Lowe's Road from State Road 7 to Tuttle Boulevard and Lulfs Road to the proposed public park site.

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. Participation in approved Streetscape programs shall be fully funded at the time of building permit issuance. Funding shall be a cash payment based on \$50.00 per linear foot frontage on Erica Boulevard (440 feet) for a total payment of \$22,000 and shall be paid prior to the issuance of a building permit.
- H. All Village Code required shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, and must be maintained at no less than thirty-six inches (36) in height.
- I. 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.

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