

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 20-65 (SPM, AAR) AN APPLICATION BY HCC RPB II, LLC AND RESOLUTION 20-18 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN MODIFICATION AND BUILDING AND LANDSCAPE ARCHITECTURAL APPROVAL FOR A 1.56 ACRE PARCEL OF LAND, LOCATED ON THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND CYPRESS HEAD AVENUE; BY AGENT: LAUREN McCLELLAN, OF JMORTON PLANNING & LANDSCAPE ARCHITECTURE.

Issue:

The Applicant is requesting Site Plan Modification and Building and Landscape Architectural Approval for a 1.56-acre commercial portion of the 35.23-acre Mixed Use Development, located east of Crestwood Boulevard and on the northwest corner of Cypress Head Avenue and Southern Boulevard. The Applicant is proposing changes to the previously approved and vested site plan for the commercial component of the project. The Applicant is proposing to convert the approved 120 student and 12,500 square foot daycare facility to a 12,100 square foot Medical/Professional Office. This will result in a reduction of 400 square feet.

Recommended Action:

Staff recommending Approval of Application 20-65 (SPM, AAR) and Resolution 20-18.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	8-20-2020	Action

RESOLUTION NO. 20-18

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 20-65 (SPM, AAR) – THE APPLICATION OF HCC RPB II, LLC - PERTAINING TO A SITE PLAN MODIFICATION AND ARCHITECTURAL APPROVAL FOR A 1.56 ACRE COMMERCIAL PORTION OF A 35.23 ACRE MIXED-USE DEVELOPMENT, KNOWN AS CYPRESS KEY, LOCATED IN THE MIXED USE DEVELOPMENT (MXD) ZONING DISTRICT, ON THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND CYPRESS HEAD AVENUE, 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. 20-65 (SPM, AAR) was presented to the Village Council at its public hearing conducted on August 20, 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. 20-65 (SPM, AAR), THE APPLICATION OF HCC RPB II, 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 20th day of August, 2020.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Cypress Key MXD
20-65 (SPM, AAR)
Res. No. 20-18

N. I. S.

LEGAL DESCRIPTION

TRACT "C" OF THE PLAT OF CYPRESS KEY TOWN CENTRE AS RECORDED IN PLAT BOOK 126, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA CONTAINING 1.566 ACRES.

Exhibit B
Conditions of Approval
Cypress Key MXD
20-65 (SPM, AAR)
Res. No. 20-18

1. Development Order:

This development order constitutes approval for:

Site Plan Modification, and Architectural Approval for a Mixed Use Development consisting of 147 residential units (consisting of 23 single family homes and 124 townhouse units) (previously approved) and 124,600 square feet of commercial uses. All previous conditions of approval imposed by Resolution 16-46 shall remain in full force and effect unless specifically modified herein. 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 shall be subject to and remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. Final plat approval for the commercial portion of the site, shall be obtained from the Village prior to the issuance of the first building permit.
- C. The roadways shown on the master plan shall be private streets and shall not be accepted by the Village of Royal Palm Beach. These private streets and associated streetlights shall be maintained by the appropriate Property Owners Association (POA). Prospective buyers shall be informed of this condition. In addition, a public access agreement covering all streets shall be recorded as part of the final plat.
- D. All infrastructures, including potable water, sanitary sewer, storm water drainage, and all access roadways, including landscaping along the roadways, shall be approved by the Village and installed prior to the issuance of the first Certificate of Occupancy if the infrastructure is guaranteed in accordance with the subdivision regulations. If a guarantee is not provided, the infrastructure needs to be completed prior to the issuance of the first building permit.
- E. The perimeter landscape buffer adjacent to all streets shall be installed prior to the issuance of the first certificate of occupancy and completion of the development infrastructure.
- F. There shall be no over-night parking of any semi trucks at any time.
- G. The site shall be maintained free of all trash at all times.
- H. The pedestrian crossings shall be designed as raised walkways using pavers.
- I. Dumpster pads will be sloped to drain onto a pervious area.

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. The final plat for the subdivision shall not be recorded until final approval of the construction plans has been obtained.
- I. 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 at the time permits are issued. 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.
- J. 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.

- K. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- L. 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 electronic format compatible with AutoCAD 14 or AutoCAD 2000 prior to the issuance of a building permit.
- M. 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 except landscaping in the FDOT right-of-way maintained by the Village.
- 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.

5. Architectural & Aesthetic Review Committee:

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Cypress Key MXD

Application: 20-65 (SPM, AAR) (Res. 20-18)

Agent: Lauren McClellan
JMorton Planning & Landscape Architecture
3910 RCA Boulevard, #1015
Palm Beach Gardens, FL 33410

Owner: HCC RPB II, LLC
60 14th Street S.
Birmingham, AL 35233

Location: North side of Southern Boulevard, approximately 2,000 feet east of Crestwood Boulevard.

Request: Site Plan Modification and Architectural Approval for a Mixed Use Development (MXD) on a 35.23 acre site within the Mixed Used Development (MXD) Zoning District.

Hearings: Planning and Zoning Commission: August 11, 2020
Village Council August 20, 2020

Recommendation: Approval

II. Site Data:

Site Area: 1.56 portion of the 35.23 acres (±) site

Property Control Numbers: 72-41-43-34-15-003-0000 & 008-0000

Existing Land Use: Townhouses and Single Family

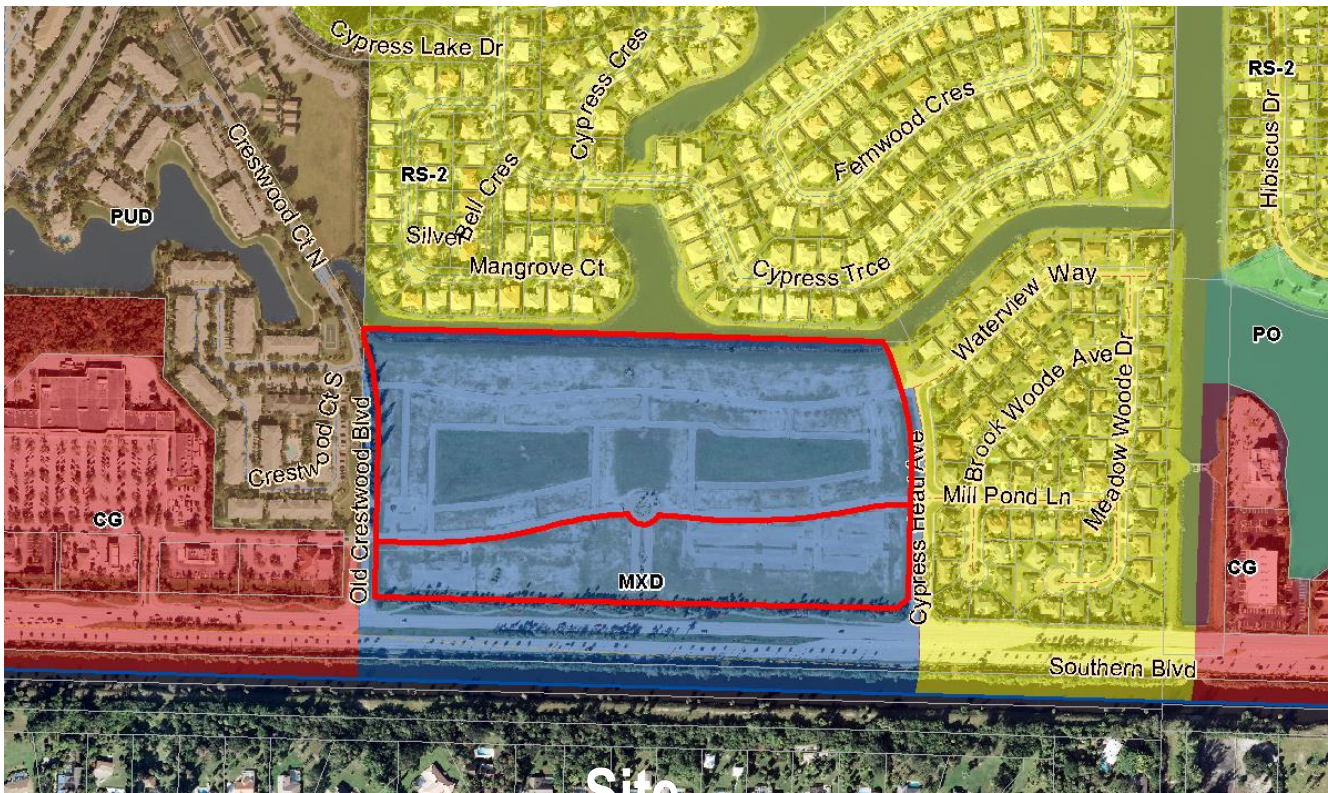
Existing FLUM Designation: Mixed Use Development (MXD)

Existing Zoning District: Mixed Use Development (MXD)

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

Dir.	Existing:	FLUM:	Zoning:
North	The Estates	Single Family Residential (SF)	Residential Single 2 (RS-2)
South	Single Family Residential	Low Density Residential (Wellington)	Low Density Res. (Wellington)
East	Cypress Head	Single Family Residential (SF)	Residential Single 2 (RS-2)
West	Grandview at Crestwood	Residential Villas (RV)	Planned Unit Development (PUD)

Directly below is an illustration of the location of the site.



III. Intent of Petition:

The Applicant is requesting Site Plan Modification and Building and Landscape Architectural Approval for a 1.56-acre commercial portion of the 35.23-acre Mixed Use Development, located east of Crestwood Boulevard and on the northwest corner of Cypress Head Avenue and Southern Boulevard. The Applicant is proposing changes to the previously approved and vested site plan for the commercial component of the project. The Applicant is proposing to convert the approved 120 student and 12,500 square foot daycare facility to a 12,100 square foot Medical/Professional Office. This will result in a reduction of 400 square feet.

IV. History:

The subject site is located on the northwest corner of Southern Boulevard and Cypress Head Avenue. 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 later 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

V. Analysis:

The Applicant is requesting Site Plan Modification; and Building and Landscape Architectural Approval for a 1.56-acre commercial portion of the 35.23-acre Mixed Use Development, located east of Crestwood Boulevard and on the northwest corner of Cypress Head Avenue and Southern Boulevard. The Applicant is proposing changes to the previously approved and vested site plan for the commercial component of the project. The Applicant is proposing to convert the approved 120 student and 12,500 square foot daycare facility within Building C, to a 12,100 square foot Medical/Professional Office. This will result in a reduction of 400 square feet. In addition to changing the use, the building footprint is being modified and the parking lot has been adjusted to accommodate the proposed building. The parking lot and the access driveway have been revised to address the new use and building. The minor adjustment of the driveway has resulted in the removal of an on-street parking space and the revised parking lot has added 40 spaces to meet the increased parking requirement of the office use. For an Illustration of the Site Plan please refer to **Attachment C** and for an illustration of the proposed Building please refer to **Attachment D**.

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. Maximum Density: The proposed Site Plan has a density of 4.173 dwelling units and a 104 beds within the “Senior housing facility” which is meets the maximum density of 5.0 units per acre for the MXD district.
2. Parcel size: The overall site is 35.23 acres and thus exceeds the minimum 30.0 acres required for MXD designated property.
3. Maximum Building Height: The proposed buildings meet the height limitations for the specific uses.
4. Setbacks: Both the commercial and residential townhouse structures required variances to the setback regulations. The variance was granted through the approval of Variance Order VC 05-06 along with the original approval for the project. No reductions to the approved setbacks are being proposed.
5. Minimum Perimeter Landscape Setback: The proposed Site Plan provides a perimeter landscape buffer of 25 feet adjacent to all roadways which meets the requirement for the commercial and townhouse portion of

the Site Plan. For an illustration of the Landscaping Plan please refer to **Attachment E**.

6. Minimum Housing Types and Area:

The existing Site Plan includes two (2) housing types comprised of single family and townhouse units which occupy more than 50% of the project site. This meets the requirement for two (2) or more housing types and that residential uses occupy at least 50% of the development site.

7. Maximum Commercial Floor Area Ratio:

The proposed Site Plan provides a commercial floor area ratio of .081 which is less than the maximum of .082. In addition, no more than 70% of the non-residential square footage will be allocated to uses other than office.

8. Minimum Common Open Space:

The proposed Site Plan provides 40% of the overall site as open space which meets the minimum requirement of 40%.

9. Parking:

The proposed Site Plan complies with the parking standards of Village Code.

Overall, the proposed Site Plan is in conformance with the Village's requirements for the amended Mixed Use Development (MXD) Zoning District.

VI. Disposition Options:

Recommend: Approval of the application;
Approval of the Application with Conditions; or
Denial of the application.

VII. Staff Recommendation:

Staff is recommending Approval of Application 20-65 (SPM, AAR) and Resolution 20-18.

VIII. Hearing History:

Planning and Zoning Commission:

The Planning and Zoning Commission considered the application on August 11, 2020, and recommended Approval by a vote of 4-0, with the condition that the Applicant make contact with the HOA in attempt to alleviate the HOA's concerns over the relocated access drive.

**Attachment A
Legal Description
Cypress Key MXD
20-65 (SPM, AAR)
Resolution No. 20-18**

Directly below is the Legal Description of the property.

N.I.S.

LEGAL DESCRIPTION

TRACT "C" OF THE PLAT OF CYPRESS KEY TOWN CENTRE AS RECORDED IN PLAT BOOK 126, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA CONTAINING 1.566 ACRES.

Attachment B
Conditions of Approval
Cypress Key MXD
20-65 (SPM, AAR)
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- B. Final plat approval for the commercial portion of the site, shall be obtained from the Village prior to the issuance of the first building permit.
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- of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
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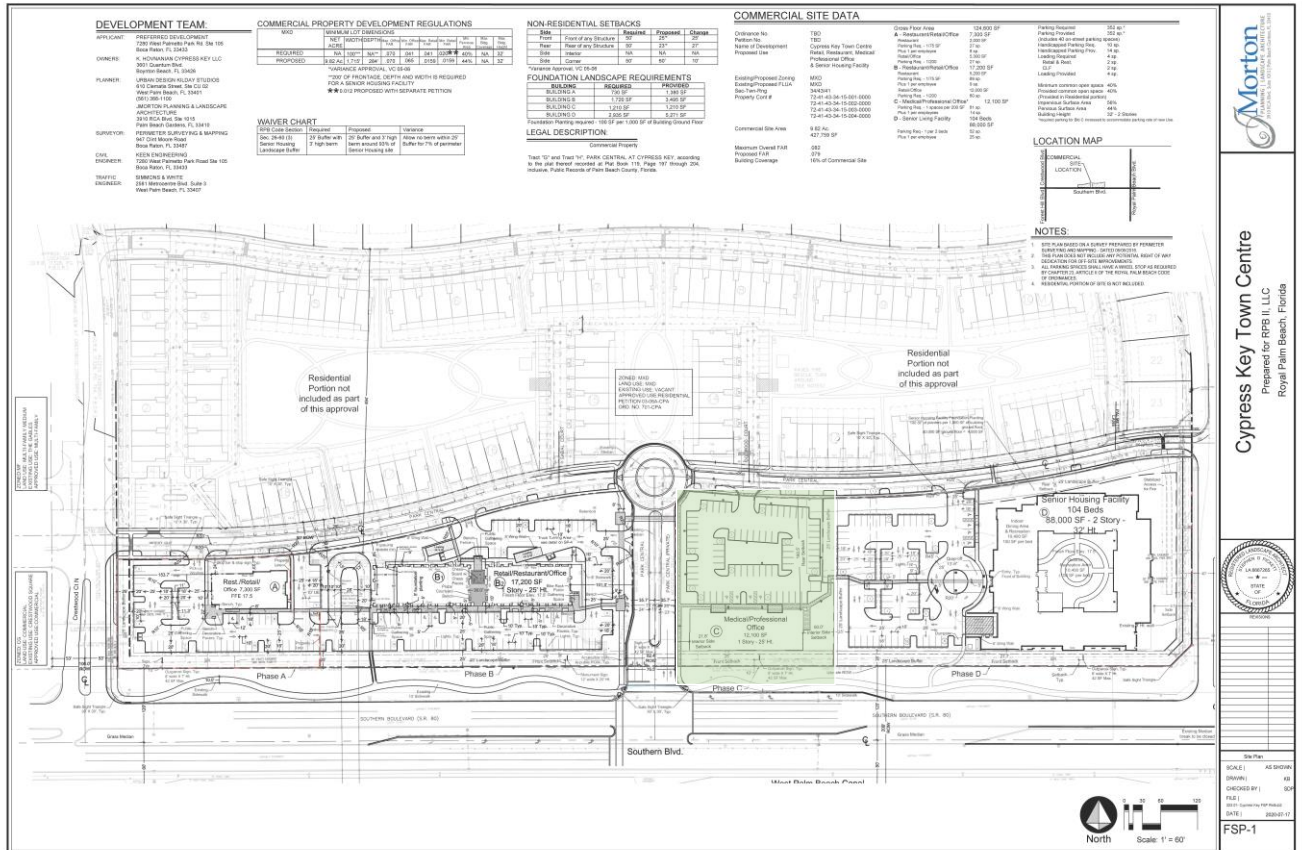
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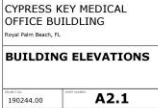
5. Architectural & Aesthetic Review Committee:

Attachment C
Site Plan
Cypress Key MXD
20-65 (SPM, AAR)
Resolution No. 20-18

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



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



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

