

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-011 (SE) AN APPLICATION BY URBAN DESIGN STUDIOS, AND ADOPTION OF RESOLUTION NO. 23-07 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SPECIAL EXCEPTION USE APPROVAL TO ALLOW FOR A “RETAIL SALES MXS” IN ORDER TO PERMIT A “MOVIE THEATER (INDOOR)” USE THAT EXCEEDS 20,000 SQUARE FEET WITHIN MAIN STREET AT TUTTLE ROYALE; AND LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (US 441). BY AGENT: LENTZY JEAN-LOUIS.

Issue:

The Applicant is seeking Special Exception Use approval to allow for a “Retail Sales MXS” in order to permit a “Movie theater (indoor)” use that exceeds 20,000 square feet within Pod 6 of Main Street at Tuttle Royale. A “Movie theater (indoor)” use is considered a Special Exception Use requiring Special Exception Use approval within the Mixed Use Social Center (MXS) Zoning District when they are “Retail Sales similar establishments which are specifically set forth at subsections 26-95(2) and 26-95(3) and which exceed twenty thousand (20,000) square feet of floor area for any single use, and which do not include a drive-through facility”. The proposed “Movie theater (indoor)” use will total 25,389 square feet and will be located on the second level of Building 3 of Pod 6 within Main Street at Tuttle Royale. The property is situated within the Mixed Use Social Center (MXS) Zoning District and located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441).

In reviewing this petition, Village Staff considered conformity with the Village of Royal Palm Beach Code of Ordinances, Section 26-32 (f) (4) *Special exception applications*. Please find below the criteria for approving Special Exceptions and the Applicant’s response to the criteria:

1. The proposed Special Exception is consistent with the policies and standards of the village comprehensive plan; or

The Applicant states: *“The proposed movie theater use is consistent with the policies and standards of the village comprehensive plan by complying with objectives such as 1.2 & 1.3 as the development meets concurrency standards and meets the land development regulations of the MXS as well as 1.1.5 by discouraging urban sprawl*

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through being present in a mixed-use development surrounded by compatible uses in the MXS development. Specifically, the proposed movie theater special exception use furthers the goals of Policy LU-1.5.6 by being located in a node of development, rather than strips, and contributes to the mix of uses included in the Pod 6 development.”

2. The proposed Special Exception complies with all applicable development regulations of the Village Code; or

The Applicant states: *“The proposed development complies with applicable development regulations of the village code and the underlying Sec 26-95 MXS zoning requirements, as recently adopted via Ordinance 1027.”*

3. The proposed Special Exception does not have adverse environmental impacts which cannot be prevented by the imposition of conditions; or

The Applicant states: *“The proposed development will not have an adverse environmental impact. The grocery store special exception use will comply with all environmental regulations and will contribute to the efficient use of the land through the vertical and horizontal mix of uses on the site.”*

4. The proposed Special Exception does not have adverse vehicular or pedestrian traffic impacts which cannot be prevented by the imposition of conditions; or

The Applicant states: *“The proposed special exception use will not have an adverse vehicular or pedestrian traffic impact. The site has been designed to be ADA accessible and pedestrian friendly as the paving of the interior thoroughfares consist of mountable curbs as well as the provision of 12’ sidewalks for pedestrian safety.”*

5. The proposed Special Exception does not have an adverse impact upon public facilities, including, but not limited to, impacts on police and fire protection, drainage systems, refuse disposal, water, sewers, and schools, which cannot be prevented by the imposition of conditions; or

The Applicant states: *“The proposed special exception will utilize existing public facilities infrastructure, including water and sewer already in place. Service letters have been requested to confirm the availability of public services with a confirmation of fire response time, a drainage statement depicting sufficient storage on site, and receipt of the School Capacity Availability Determination (SCAD) letter from the School District of Palm Beach County.”*

6. The design of the proposed Special Exception does not have adverse impacts on adjacent properties or is detrimental to their use and peaceful enjoyment and will cause objectionable noise, vibrations, [and/or] fumes; or

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The Applicant states: *“The proposed special exception use will not have adverse impacts on the MXS development and nearby properties, and will not be detrimental to its use and peaceful enjoyment. No objectionable noise, vibrations, or fumes will negatively impact the adjacent properties as the movie theater use is located at the southeastern end of the MXS and separated from other residential uses that would be negatively impacted by noise. The movie theaters will also be designed to buffer sound and noise emitting from within the theatre.”*

7. The proposed Special Exception is compatible with the character and living conditions of the existing neighborhood in which it is to be located; or

The Applicant states: *“The proposed special exception will be compatible with the character of the proposed MXS development and surrounding uses. The character of the area is generally commercial & residential and the proposed movie theater will be consistent with the surrounding planned recreational & retail uses while providing a new entertainment option to the Village.”*

8. The proposed Special Exception does not have an adverse impact on property values in adjacent areas which cannot be prevented by the imposition of conditions; or

The Applicant states: *“The proposed development will not have an adverse impact on property values in adjacent areas. The character of the area is generally commercial & residential and the proposed movie theater will be consistent with the surrounding planned uses while providing a new entertainment option to the Village.”*

9. The proposed Special Exception is not a deterrent to the improvement or development of adjacent property, in accordance with applicable Village Code development regulations, which cannot be prevented by the imposition of conditions; or

The Applicant states: *“The proposed special exception use is not a deterrent to the improvement or development of adjacent property as the movie theater will add to the recreation and entertainment uses in the development and will complement the planned residential, retail, and office uses surrounding it. The movie theater will contribute to the pedestrian experience and the overall experience of residents and visitors that will be able to live, work, and play within the MXS development.”*

10. The proposed Special Exception will not seriously reduce the quality or quantity of light and air available to adjacent properties which cannot be prevented by the imposition of conditions.

The Applicant states: *“The proposed movie theater special exception use will not reduce the quality of quantity of light and air available to adjacent properties as the proposed use and structure will be 2 stories in height and will not impede light or air available to surrounding buildings.”*

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In reviewing the proposed Special Exception Use application, Village Staff considered compatibility with adjacent land uses, consistency with the Village’s Comprehensive Plan and conformance with the Village’s Development Standards for the Mixed Use Social Center (MXS) Zoning District. Staff has determined that the proposed Special Exception conforms to Village Standards.

The Planning and Zoning Commission will consider this Application at their April 17, 2023 meeting.

Recommended Action:

Staff is recommending Approval of Application No. 23-011 (SE) and Resolution No. 23-07.

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RESOLUTION NO. 23-07

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-011(SE) – THE APPLICATION OF URBAN DESIGN STUDIOS - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “RETAIL SALES MXS MOVIE THEATRE (INDOOR) WHICH EXCEEDS TWENTY THOUSAND SQUARE FEET” WITHIN POD 6 OF MAIN STREET AT TUTTLE ROYALE, LOCATED ON THE SOUTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.27 MILES WEST OF STATE ROAD 7 (US 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. 23-011(SE) was presented to the Village Council at its public hearing conducted on April 20, 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, APPLICATION NO. 23-011(SE), THE APPLICATION OF URBAN DESIGN 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 20th day of April, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
POD 6 Movie Theatre @ Main Street at Tuttle Royale
Application 23-011(SE)
Res. No. 23-07

LEGAL DESCRIPTION:

ENTERTAINMENT CENTER LEGAL (POD 6 A, B, & C)

A PARCEL OF LAND BEING ALL OF TRACTS DT-1 AND DT-2 OF THE PLAT OF TUTTLE ROYALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGE 101 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH A PORTION OF TRACT 9 AND 10, BLOCK 9 OF PALM BEACH FARMS PLAT NO.3 AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING 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 1319.62 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 CANTOR ESQ. DATED NOVEMBER 29, 2000 (VERIFIED BY MEETING WITH SFWMD MARCH 2007); THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE, S83°44'24"E A DISTANCE OF 627.16 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, S01°30'19"W A DISTANCE OF 10.19 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL (C-51), SAID LINE AS SHOWN ON THE C-51 CANAL RIGHT-OF-WAY MAP CONTRACT NO. CN04901-2003; THENCE S88°52'41"E, A DISTANCE OF 110.68 FEET TO A FOUND RIGHT-OF-WAY MONUMENT; THENCE CONTINUE ALONG SAID C-51 RIGHT-OF-WAY LINE S87°52'10"E A DISTANCE OF 1963.46 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID C-51 RIGHT-OF-WAY S87°52'10"E A DISTANCE OF 36.50 FEET; THENCE CONTINUE ALONG SAID C-51 RIGHT-OF-WAY THE FOLLOWING TWO CALLS S88°13'01"E A DISTANCE OF 957.09 FEET; THENCE S88°18'13"E A DISTANCE OF 210.43 FEET TO A POINT ON THE WESTERLY LINE OF THE PLAT OF LOWE'S HOME CENTER AS RECORDED IN PLAT BOOK 87, PAGE 193 OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG SAID WESTERLY LINE S01°41'47"W A DISTANCE OF 320.01 FEET; THENCE LEAVING SAID WESTERLY LINE N88°18'13"W A DISTANCE OF 154.82 FEET TO A POINT ON THE EASTERLY LINE OF AN 80 FOOT WIDE LAKE WORTH DRAINAGE DISTRICT CANAL EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 937, PAGE 382, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY LINE S01°05'13"E A DISTANCE OF 15.60 FEET TO A POINT ON THE NORTHERLY LINE OF TRACT DT-3 OF SAID PLAT OF TUTTLE ROYALE; THENCE ALONG SAID NORTHERLY LINE N88°33'11"W A DISTANCE OF 1048.97 FEET; THENCE LEAVING SAID NORTHERLY LINE N01°31'44"E A DISTANCE OF 341.89 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 41.135 ACRES MORE OR LESS.

Attachment B
Conditions of Approval
POD 6 Movie Theatre @ Main Street at Tuttle Royale
Application 23-011(SE)
Res. No. 23-07

1. Development Order:

This development order constitutes approval for:

A Special Exception Use for an “Retail MXS Movie Theatre which exceeds 20,000 square feet” located on the second floor within Building 3 of POD 6 and consisting of 25,389 square feet within Main Street at Tuttle Royale located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441).

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. This Special Exception use approval shall become null and void should the operator cease operations at this location.

3. Standard Conditions:

- A. This Special Exception approval shall expire one (1) year from the date of council approval unless development is commenced within that time frame or appropriate applications for extensions are submitted pursuant to Section 26-66 of the Village Code or 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. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- F. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.