

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 22-113 (SE) AN APPLICATION BY JESS SANTAMARIA AND LILIBETH LEON, AND ADOPTION OF RESOLUTION NO. 23-21 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SPECIAL EXCEPTION USE APPROVAL TO ALLOW FOR A “STATE LICENSED MASSAGE THERAPIST ESTABLISHMENT” WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, FOR A PROPERTY LOCATED AT 675 ROYAL PALM BEACH BOULEVARD; BY JESS SANTAMARIA AND LILIBETH LEON.

Issue:

The Applicant is seeking Special Exception Use approval to allow a “State License Massage Therapist Establishment” on a property currently constructed and Site Planned as a commercial shopping center known as Royal Inn Plaza. The property is situated within the General Commercial (CG) Zoning District and is located at 675 Royal Palm Beach Boulevard.

Please refer to **Attachment A** below for an illustration of the site plan identifying the proposed location of the affected Suite No.132.

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 Applicants 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 Village’s Code of Ordinances Chapter 26, Sec.26-89 list a State License Massage Therapist as a “special exception use”. Also, the bay where this use is proposed is part of larger development known as the Royal Inn Plaza that was previously constructed. Therefore, it is consistent with the Village Comprehensive Plan”.*

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

The Applicant states: *“Yes, the proposed special exception will comply with all applicable development regulations”.*

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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 special exception use will not have any adverse environmental impact”.*

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 will not have any impact on vehicular traffic”.*

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 is not adding any new building area or creating any activities that would require additional public facilities, (including but not limited Police, Fire Protection, Drainage systems refuse disposal, water, sewers”.*

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

The Applicant states: *“This facility will not have any detrimental impact to any properties within the Village or the plaza.”*

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 is compatible with the uses and characters of the existing commercial establishments in the plaza”.*

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 special exception will not have any adverse impact on property values”.*

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

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The Applicant states: *“This use will not deter the improvement or development of any adjacent properties”*.

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: *“None of the proposed improvements associated with the requested special exception use reduces the quantity and quality of light and air available”*.

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 General Commercial (CG) Zoning District. Staff has determined that the proposed Special Exception conforms to Village Standards.

The Planning and Zoning Commission considered the application on June 27, 2023 and recommended Approval by a vote of 4-0.

On July 13, 2023, the Village Council voted to postpone Application No. 22-113 (SE) to a time certain of August 17, 2023 at 6:30pm.

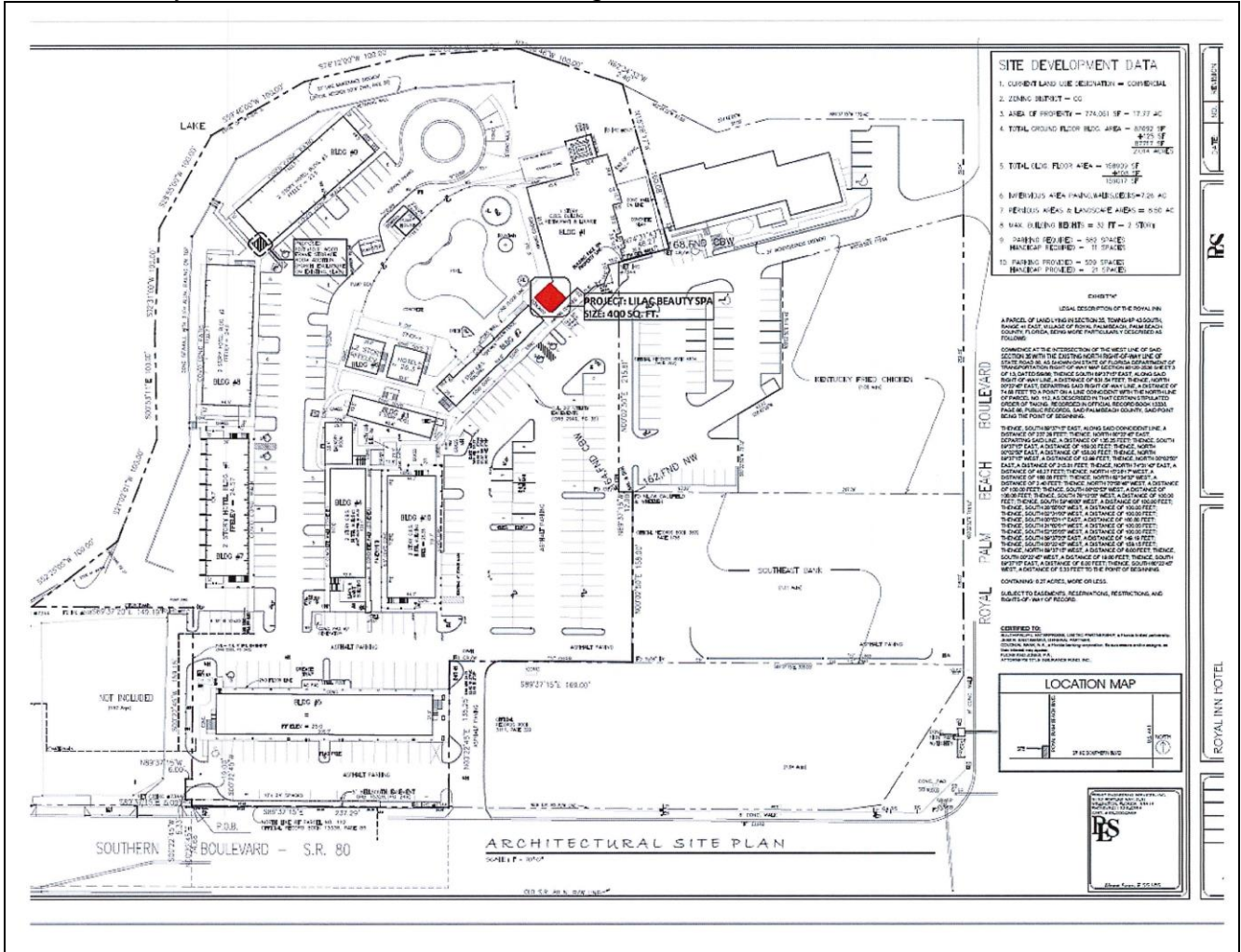
Recommended Action:

Staff is recommending Approval of Application No. 22-113 (SE) and Resolution No. 23-21.

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Attachment A Site Plan Application No. 22-113 (SE)

Directly below is an illustration showing the location of the affected Suite No.132.



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RESOLUTION NO. 23-21

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 22-113(SE) - THE APPLICATION OF JESS SANTAMARIA AND LILIBETH LEON - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “STATE LICENSED MASSAGE THERAPIST ESTABLISHMENT” WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, FOR A PROPERTY LOCATED AT 675 ROYAL PALM BEACH BOULEVARD; 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. 22-113(SE) was presented to the Village Council at its public hearing conducted on August 17, 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. 22-113(SE), THE APPLICATION OF JESS SANTAMARIA AND LILIBETH LEON, 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 August, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Lilac Beauty Spa @ 675 Royal Palm Beach Boulevard
Application No. 22-113(SE)
Resolution No. 23-21

LEGAL DESCRIPTION:

EXHIBIT "A"

LEGAL DESCRIPTION OF THE ROYAL INN

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 35 WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF STATE ROAD (8), AS SHOWN ON STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2500 SHEET 3 OF 13, DATED 5/9/86, THENCE SOUTH 89°37'15" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 631.54 FEET; THENCE, NORTH 00°22'45" EAST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 74.68 FEET TO A POINT ON A LINE COINCIDENT WITH THE NORTH LINE OF PARCEL NO. 112, AS DESCRIBED IN THAT CERTAIN STIPULATED ORDER OF TAKING, RECORDED IN OFFICIAL RECORD BOOK 13338, PAGE 86, PUBLIC RECORDS, SAID PALM BEACH COUNTY, SAID POINT BEING THE POINT OF BEGINNING.

THENCE, SOUTH 89°37'15" EAST, ALONG SAID COINCIDENT LINE, A DISTANCE OF 237.29 FEET, THENCE, NORTH 00°22'45" EAST, DEPARTING SAID LINE, A DISTANCE OF 135.25 FEET, THENCE, SOUTH 89°37'15" EAST, A DISTANCE OF 169.00 FEET, THENCE, NORTH 00°02'50" EAST, A DISTANCE OF 158.00 FEET, THENCE, NORTH 89°37'15" WEST, A DISTANCE OF 12.99 FEET, THENCE, NORTH 00°02'50" EAST, A DISTANCE OF 215.81 FEET, THENCE, NORTH 74°31'43" EAST, A DISTANCE OF 48.27 FEET, THENCE, NORTH 15°28'17" WEST, A DISTANCE OF 160.00 FEET, THENCE, NORTH 67°34'32" WEST, A DISTANCE OF 2.40 FEET, THENCE, NORTH 70°58'46" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 86°02'53" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 76°12'00" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 59°46'00" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 28°55'00" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 02°31'00" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 00°53'11" EAST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 21°02'01" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 57°25'05" WEST, A DISTANCE OF 100.00 FEET, THENCE, SOUTH 80°37'20" EAST, A DISTANCE OF 149.19 FEET, THENCE, SOUTH 00°22'45" WEST, A DISTANCE OF 159.15 FEET, THENCE, NORTH 89°37'15" WEST, A DISTANCE OF 631.54 FEET, THENCE, SOUTH 00°22'45" WEST, A DISTANCE OF 19.00 FEET, THENCE, SOUTH 89°37'15" EAST, A DISTANCE OF 74.68 FEET, THENCE, NORTH 00°22'45" EAST, A DISTANCE OF 74.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.27 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY

Exhibit B
Conditions of Approval
Lilac Beauty Spa @ 675 Royal Palm Beach Boulevard
Application No. 22-113(SE)
Resolution No. 23-21

1. Development Order:

This development order constitutes approval for:

A Special Exception Use for a “State Licensed Massage Therapist Establishment” consisting of 346 square feet within Suite No. 132 of the Royal Plaza Inn located at 675 Royal Palm Beach Boulevard.

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 change or cease operations at this location.
- B. The Establishment shall take its last customer no later than 8:00 P.M. and shall be closed to the public no later than 9:00 P.M. nightly.
- C. Windows within Suite No. 132 shall not be tinted or blacked out; visibility shall be maintained into the suite utilized for massage therapy at all times.

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.
- D. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.