



VILLAGE OF TEQUESTA

DEPARTMENT OF COMMUNITY DEVELOPMENT

Staff Report – Village Council Hearing – May 10, 2018

1. PETITION DESCRIPTION – SEU 4-18

APPLICANT: N2 Architecture + Design
2081 SE Ocean Blvd, Suite 1A
Stuart, FL 34996

OWNER: RVT TEQUESTA SHOPPES LLC (Plaza Owner)

REQUEST: Application from RVT TEQUESTA SHOPPES LLC (known as Tequesta Shoppes) for a Special Exception Use pursuant to Section 78-177. C-2 District (d) (14) Shopping Centers, of the Village of Tequesta Code of Ordinances. The applicant is requesting approval to install a metal translucent and operable awning on the courtyard, modify storefront openings; and, remove existing canopy and exterior bar area. The application also includes installing an artwork on the courtyard wall and replacing existing metal railing and gate at the entrance. The subject property is located at 157 N US Hwy 1, Tequesta, FL 33469.

LOCATION: 157 N. US Highway 1
Tequesta, FL 33469

LOCATION MAP



Land Use and Zoning

	EXISTING LAND USE	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Commercial (C)	Commercial (C)	C-2 (Community Commercial District)
North American Legion	Commercial (C)	Commercial (C)	C-2 (Community Commercial District)
South Village Square	Commercial (C)	Commercial (C)	C-2 (Community Commercial District)
East Waterway Village	Multiple Family	Multiple Family	R-2 (Multiple Family Dwelling District)
West Fashion Mall	Mixed Use	Mixed Use	MU-Mixed Use

2. Staff Analysis

Section 78-361 of the Village Code states that certain uses because their unique characteristics cannot be classified or regulated in a particular zoning district without consideration in each case of the impact of such uses upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are treated as special exceptions, and the application needs to comply with a set of criteria and standards.

The applicant is requesting approval to install a metal translucent and operable awning on the courtyard, modify storefront openings; and, remove existing canopy and exterior bar area. The application also includes installing an artwork on the courtyard wall and replacing existing metal railing and gate at the entrance.

CRITERIA FOR GRANTING SPECIAL EXCEPTION

Per Section 78-362 of Village Code, special exception use shall be permitted only upon authorization of the Village Council provided that such uses comply with the following requirements:

1. The proposed use is a permitted special exception use.

In compliance with Section 78-177 (d) (14) Special exception uses. Special exception uses in the C-2 district are as follows: "Shopping centers." The proposed use, shopping center, is a permitted use in the C-2 zoning district. Please see attached site plan.

2. The use is so designated, located and proposed to be operated so that the public health, safety, welfare and morals will be protected.

In compliance. The new tenant and use of the space exterior patio is not changing. The proposed use special exception use modification is compatible with the character of the surrounding area, and will not impose a threat to the public health, safety, welfare and morals.

3. **The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.**

In compliance. The use by the tenant is not changing.

4. **The use will be compatible with adjoining development and the proposed character of the district where it is to be located.**

In compliance. The restaurant use of the existing space will remain unchanged. The existing use is compatible with neighboring restaurant tenants in the same shopping center.

5. **Adequate landscaping and screening is provided as required in this chapter.**

In compliance. The existing landscaping will remain undisturbed. No change to the landscaping is requested or contemplated by this application.

6. **Adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.**

In compliance. There are no changes in occupancy. Ingress and egress remain the same. There is no additional impact to traffic or abutting streets. The building is currently in compliance with the Village Code and no change is requested or contemplated by this application.

FINDINGS REQUIRED FOR APPROVAL

Per Section 78-364 of Village Code, before any special exception is granted, the Village Council shall apply the standards set forth in this division and shall determine that satisfactory provision and arrangement of the following factors have been met with the applicant, where applicable:

1. **Compliance with all elements of the Village Comprehensive Plan**

The subject property is located in the commercial future land use district. The proposed personal services use complies with Policy 1.1.2 “the Village’s Land Development Regulations shall conform to, and implement, the use, density and intensity standards as outlined on Table FLU-1”

Table FLU-1 states restaurants, excluding fast food restaurants, drive-in restaurants and carryout restaurants are considered part of this district. *The restaurant use has been and continues to conform to all elements of the Village Comprehensive Plan.*

2. **Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.**

The building is currently in compliance with village code and no change is contemplated with the application.

3. **Off-street parking and loading area, where required, with particular attention to the items in subsection (2) of this section.**

The shopping plaza is currently in compliance with village code and no change in this application.

- 4. Nuisance factors detrimental to adjacent and nearby properties and the village as a whole. Nuisance factors shall include but necessarily be limited to noise, odor, smoke, glare, electrical interference and/or mechanical vibrations.**

The shopping plaza is currently in compliance with village code and no change to noise, odor, smoke, glare, electrical and/or mechanical vibrations.

- 5. Utilities, with reference to location, availability and compatibility.**

No changes are requested to any utilities with references to location, availability, or compatibility.

- 6. Screening and buffering, with reference, to type, dimensions and character.**

No changes are requested to screening and buffering with reference to type, dimension or character.

- 7. General compatibility with adjacent properties and other property in the district.**

The proposed use is compatible with the overall character of the Shopping Plaza and its surrounding area.

- 8. Whether the change suggested is out of scale with the needs of the neighborhood or the Village.**

The alterations will not be out of scale with the needs of the neighborhood or village.

- 9. Any special requirements set out in the schedule of site regulations in 78-143 for the particular use involved.**

The proposed use is located in an existing building in compliance with the regulations requirements presented in 78-143. The proposed continuation of use for restaurant is requested.

3. FINAL REMARKS

This special exception use application met the requirements set on Section 78-368 notice of hearing. The notice of hearing was advertised in the Palm Beach Post on April 30, 2018. The notice of hearing was mailed to all property owners located within a 300-foot radius of the subject property.

Per Code Section 78-367, a special exception shall commence within 12 months from approval date and only one extension shall be permitted by the Village Council up to six months.

EXISTING SITE CONDITIONS



Existing Awning and Outdoor Space