

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-186 (SCPA), AN APPLICATION BY BAR EDUCATION, INC., AND APPROVAL OF ORDINANCE NO. 1044 ON FIRST READING. THE APPLICANT IS SEEKING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE DESIGNATION OF ONE PARCEL TOTALING 0.235± ACRES FROM THE VILLAGE'S OPEN SPACE (OS) LAND USE DESIGNATION TO THE VILLAGE'S INDUSTRIAL (IND) LAND USE DESIGNATION, FOR A PROPERTY LOCATED ON 6846 SEMINOLE PALMS DRIVE. BY AGENT: HEATHER JO ALLEN, ESQ., OF BAR EDUCATION, INC.**

**Issue:**

The Applicant is seeking a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation of one (1) parcel totaling 0.235± acres from the Village's Open Space (OS) Land Use Designation to the Village's Industrial (IND) Land Use Designation, for a property located on 6846 Seminole Palms Drive. The property is currently vacant. The Applicant has indicated in their Justification Statement that the ultimate goal is to develop the property for the purpose of providing additional parking lot area for the existing Primrose School.

Overall, In reviewing the proposed Future Land Use Map Amendment designating the parcel as Industrial (IND), Village Staff considered compatibility with adjacent land uses; consistency with the Village's Comprehensive Plan; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space. Finally, the proposed land use amendment package is consistent with the requirements of Chapter 163, F.S., concerning the requirements for the processing of future land use amendments.

The Local Planning Agency considered Application No. 23-186 and Ordinance No. 1044 on February 27, 2024 and recommended Approval by a vote of 5-0.

**Recommended Action:**

Staff is recommending Approval of Application No. 23-186 (SCPA) and Ordinance No. 1044 on first reading.

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Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3/21/24	Action

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# Village of Royal Palm Beach - Staff Report

**I. General Data:**

Project Name: Primrose School

Application: 23-186 (SCPA) (Ord. No. 1044)

Applicant: Bar Education, Inc.  
300 Royal Commerce Road  
Royal Palm Beach, FL 33411

Agent: Heather Jo Allen, Esq., AICP  
Keiser Legal, PLLC  
55 SE 2<sup>nd</sup> Avenue  
Delray Beach, FL 33444

Request: A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation of one parcel totaling 0.235± acres from the Village’s Open Space (OS) Land Use Designation to the Village’s Industrial (IND) Land Use Designation, for a property located on 6846 Seminole Palms Drive.

Hearings: Local Planning Agency: February 27, 2024  
Village Council (First Reading): March 21, 2024  
Village Council (Second Reading): April 18, 2024

Recommendation: Approval

**II. Site Data:**

Site Area: 0.235 ± acres

Property Control Number: 72-41-43-35-00-000-7350

Existing Land Use: Vacant Open Space

Existing FLUM Designation: Open Space (OS)

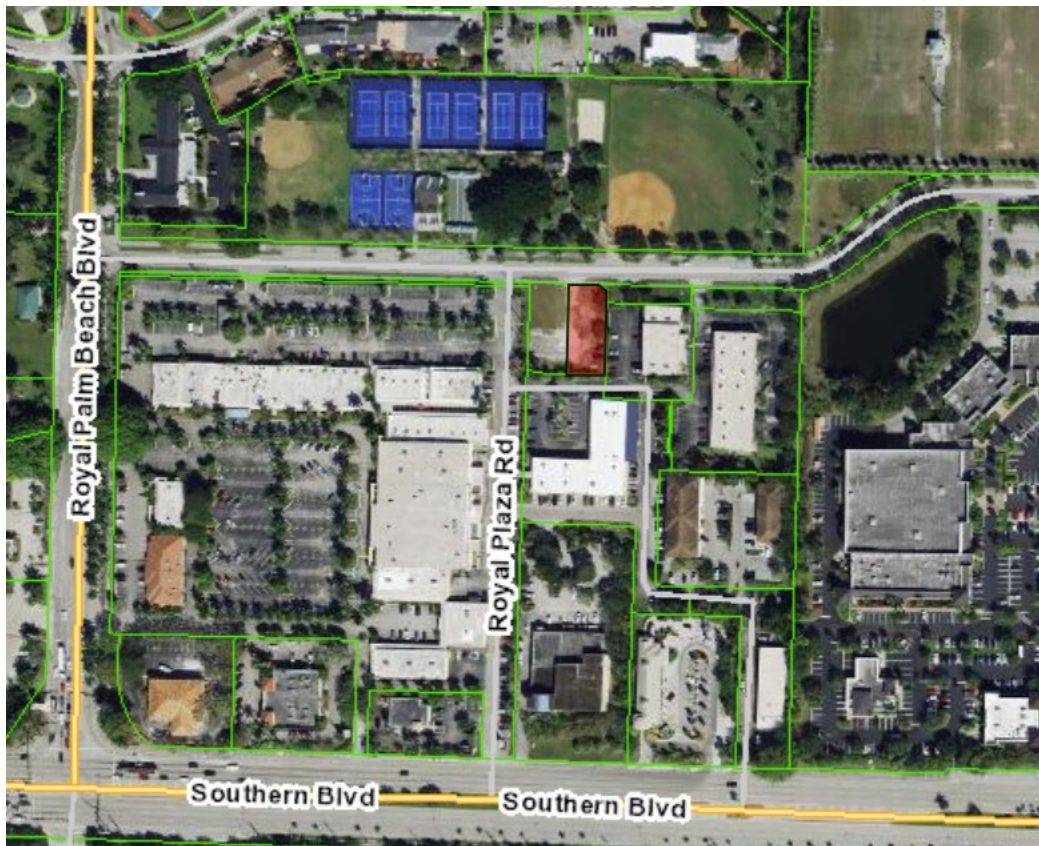
Proposed FLUM Designation: Industrial (IND)

Existing Zoning District: Public Ownership (PO)

Proposed Zoning: Industrial General (IG)

<b>Table 1: Adjacent Existing, Future Land Uses, and Zoning</b>			
<b>Dir.</b>	<b>Existing:</b>	<b>FLUM:</b>	<b>Zoning:</b>
<i>North</i>	Camellia Park	Open Space (OS)	Public Ownership (PO)
<i>South</i>	Paint Lux Auto Body	Industrial (IND)	Industrial General (IG)
<i>East</i>	Vacant Land	Open Space (OS)	Public Ownership (PO)
<i>West</i>	Royal Plaza	Commercial (COM)	General Commercial (CG)

Directly below is an aerial showing the location and extent of the affected area:



### **III. Intent of Petition:**

The Applicant is seeking a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation of one (1) parcel totaling 0.235± acres from the Village's Open Space (OS) Land Use Designation to the Village's Industrial (IND) Land Use Designation, for a property located on 6846 Seminole Palms Drive. The property is currently vacant. The Applicant has indicated in their Justification Statement that the ultimate goal is to develop the property for the purpose of providing additional parking lot area for the existing Primrose School.

In reviewing the proposed Future Land Use Map Amendment designating the parcel as Industrial (IND), Village Staff considered compatibility with adjacent land uses; consistency with the Village's Comprehensive Plan; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space.

### **IV. History:**

The subject property is located on the south side of Seminole Palms Drive approximately 0.14 miles east of Royal Palm Beach Boulevard at 6846 Seminole Palms Drive. The subject property was owned by the Village of Royal Palm Beach and was recently purchased by Artemis Investments, LLC.

It is important to note that within the “Agreement for the Purchase and Sale of Real Property” the terms as to how the property is to be used is outlined in Section 1.03. and is as follows:

**Section 1.03. Property Information and Buyer’s Intended Use:** Buyer intends to incorporate East Parcel into its existing academic institution located at 300 and 400 Royal Commerce Park to provide additional parking for the institution (the “Intended Use”). Seller agrees to sell East Parcel to Buyer for the Intended Use. Buyer acknowledges that in order to develop the Intended Use on the East Parcel, Buyer shall be required to obtain development approvals from the Village, which include: (1) a Comprehensive Plan Amendment to change the Future Land Use Designation from current Open Space (“OS”) to Industrial (“IND”); (2) a Rezoning to change the Zoning Designation from current Public Ownership (“PO”) to Industrial General (“IG”); (3) a Special Exception approval for a “Public or private academic institution”; (4) a Site Plan Modification approval; (5) Architectural and Aesthetic approval and (6) building permit, collectively referred to as the “Approvals” in the Agreement. To-date, the Applicant submitted applications for nearly all required applications stipulated in the said agreement.

## **V. Analysis:**

The Applicant is seeking a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation of one (1) parcel totaling 0.235± acres from the Village’s Open Space (OS) Land Use Designation to the Village’s Industrial (IND) Land Use Designation, for a property located on 6846 Seminole Palms Drive. The property is currently vacant. The Applicant has indicated in their Justification Statement that the ultimate goal is to develop the property for the purpose of providing additional parking lot area for the existing Primrose School.

In reviewing the proposed Future Land Use Map Amendment designating the parcel as Industrial (IND), Village Staff considered compatibility with adjacent land uses; consistency with the Village’s Comprehensive Plan; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space.

The Applicant asserts that the proposed Land Use Plan Amendment is consistent with the Village of Royal Palm Beach’s Comprehensive Plan and Section 26-32 (f) (2) b. Below are the findings and assertions by the Applicant contained with the application.

### **Consistency with the Comprehensive Plan:**

#### **Future Land Use Amendment to the Comprehensive Plan:**

##### **1. Whether the action requested will contribute to a condition of public hazard as described in the sanitary sewer, solid waste, drainage and potable water subelements of the comprehensive plan:**

The Applicant asserts “The Plan Amendment will not contribute to a condition of public hazard as described in the sanitary sewer, solid waste, drainage and potable water subelements of the Village Comprehensive Plan. As noted above, the Plan Amendment is requested as part of the overall development approvals required to develop the Property with additional parking to support the existing private academic institution upon the adjacent Academic Institution Property that is also owned by the Applicant. The Village’s sale of the Property to the Applicant was subject to this use restriction (development of additional parking). As

such, no new impacts upon sanitary sewer, solid waste, drainage, and potable water are anticipated. It should be noted that the Applicant coordinated with the Palm Beach County Water Utility Department during the review process associated with Application No. Application No. 22-81(SPM, AAR) to dedicate easement area within the Academic Institution Property over existing and future water and sewer facilities, which is consistent with Goal Sanitary Sewer 1 and Goal Potable Water 1 of the Village Comprehensive Plan. It should also be noted that additional detail regarding any potential impacts on public facilities will be provided during the site plan modification and building permit processes. As such, the Plan Amendment will not contribute to a condition of public hazard as described in the sanitary sewer, solid waste, drainage and potable water subelements of the Village Comprehensive Plan”.

2. Whether the action requested will exacerbate any existing public facility capacity deficits as described in the traffic circulation element; sanitary sewer, solid waste, drainage, potable water element and recreation and open space element of the comprehensive plan;

The Applicant asserts “The Plan Amendment will not exacerbate any existing public facility capacity deficits as described in the traffic circulation element; sanitary sewer, solid waste, drainage, potable water element and recreation and open space element of the Village Comprehensive Plan.

- Traffic Circulation Element: As noted herein, the Applicant purchased the Property to develop it with additional parking to support its existing private academic institution use. While an additional Traffic Performance Standards (“TPS”) letter has been requested in conjunction with the Plan Amendment, it should be noted that Palm Beach County recently issued a TPS letter in conjunction with the pending development approvals request associated with the existing private academic institution use of the adjacent Academic Institution Property and found that this existing use meets the County’s traffic performance standards. Please see the TPS letter issued on November 16, 2023 attached hereto as Exhibit “C.”
- Sanitary Sewer Element: No new impacts on sanitary sewer service are anticipated in association with the Plan Amendment because the Property is restricted to development of parking to support the existing private academic institution.
- Solid Waste Element: No new impacts on solid waste service are anticipated in association with the Plan Amendment because the Property is restricted to development of parking to support the existing private academic institution.
- Drainage Element: No new impacts on drainage are anticipated in association with the Plan Amendment because the Property is restricted to development of parking to support the existing private academic institution, and drainage of the Property will be addressed via engineering improvements to the existing drainage collection and conveyance system. All applicable drainage criteria set by the South Florida Water Management District and the Village of Royal Palm Beach will be met at the time of site plan and permit approval.
- Potable Water Element: No new impacts on potable water service are anticipated in association with the Plan Amendment because the Property is restricted to development of parking to support the existing private academic institution.
- Recreation and Open Space Element: The Property was previously owned by the Village is currently designated as OS on the Village’s Future Land Use Map. In making the determination to sell the Property, the Village determined that it was not necessary to meet the Village recreation and open space requirements. It should also be noted that the Property was previously undeveloped and vacant. The Applicant purchased the

Property to develop it with additional parking to support its existing private academic institution. As such, no new demands upon recreation and open space will be generated by the Plan Amendment. 4 For the foregoing reasons, Plan Amendment will not exacerbate any existing public facility capacity deficits as described in the traffic circulation element; sanitary sewer, solid waste, drainage, potable water element and recreation and open space element of the Village Comprehensive Plan.”

3. Whether the action requested will generate public facility demands that may be accommodated by capacity increases planned in the five-year schedule of improvements established by the comprehensive plan;

The Applicant asserts “The Plan Amendment will not generate public facility demands necessitating capacity increases in the five-year schedule of improvements established by the Village Comprehensive Plan. As noted herein, development of the Property is restricted to additional parking to support the existing private academic institution use of the adjacent Academic Institution Property. As such, the Plan Amendment is not anticipated to generate additional impacts on public facilities.”

4. Whether the action requested conforms with future land uses as shown on the future land use map of the future land use element of the comprehensive plan;

The Applicant asserts “The Plan Amendment is consistent and compatible with adjacent properties. The property to the east is also owned by the Applicant, is also designated IND on the Village’s Future Land Use Plan, and is developed with a private academic institution use. The property to the south is also designated IND and is developed with the Royal Commerce Park Shopping Center, which supports a variety of uses. The property to the west is the western portion of the 6846 Seminole Palms parcel, which was also sold by the Village pursuant to Resolution No. 22-36 and which is also designated IND on the Village’s Future Land Use Map. The property to the north beyond Seminole Palms Drive is designated OS on the Village’s Future Land Use Map and is developed with the Village owned Camellia Park. As such, the Plan Amendment conforms with the Village’s Future Land Use Map.”

5. If public facilities are developer-provided, will the action requested accommodate public facility demand based upon adopted LOS standards

The Applicant asserts “As noted herein, the Plan Amendment is not anticipated to generate new impacts on public facilities because the Property is restricted to development of parking to support the existing private academic institution.”

6. If public facilities are provided in part or whole by the village, is the action financially feasible subject to the capital improvement element of the comprehensive plan.

The Applicant asserts “As noted herein, the Plan Amendment is not anticipated to generate new impacts on public facilities because the Property is restricted to development of parking to support the existing private academic institution.”

**VI. Staff Recommendation:**

Staff is recommending Approval of Application No. 23-186 (SCPA) and Ordinance No. 1044 on first reading.

## **VII. Hearing History:**

### *Local Planning Agency:*

The Local Planning Agency considered Application No. 23-186 and Ordinance No. 1044 on February 27, 2024 and recommended Approval by a vote of 5-0.

### *Village Council (First Reading):*

The Village Council considered Ordinance No. 1044 on first reading on March 21, 2024 and recommended Approval by a vote of X-X.

**Attachment A  
Legal Description  
Primrose School  
Application No. 23-186 (SCPA)  
Ordinance No. 1044**

**DIRECTLY BELOW IS THE LEGAL DESCRIPTION:**

ALL THAT PIECE AND PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTH QUARTER CORNER OF SAID SECTION 35;

THENCE ALONG THE QUARTER SECTION LINE OF SAID SECTION 35, SOUTH 00°11'48" WEST A DISTANCE OF 2481.25 FEET TO A POINT AT THE SOUTHEAST CORNER OF BLOCK 11 OF THE PARTIAL RE-PLAT OF SECTION 2 OF PALM BEACH COLONY AS DESCRIBED IN PLAT BOOK 28 PAGES 211 THROUGH 213, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE ALONG THE SOUTH LINE OF SAID PLAT, SOUTH 90°00'00" WEST A DISTANCE OF 480.50 FEET TO A POINT;

THENCE DEPARTING SOUTH LINE OF SAID PLAT, SOUTH 00°00'00" EAST A DISTANCE OF 538.45 FEET TO A POINT;

THENCE ALONG THE SOUTH LINE ON THE APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE, SOUTH 90°00'00" EAST A DISTANCE OF 68.67 FEET TO A POINT AND THE **POINT OF BEGINNING**;

THENCE SOUTH 00°00'00" EAST A DISTANCE OF 149.99 FEET TO A POINT;

THENCE NORTH 89°56'43" EAST A DISTANCE OF 68.25 FEET TO A POINT;

THENCE NORTH 00°00'00" WEST A DISTANCE OF 148.00 FEET TO A POINT;

THENCE NORTH 59°54'04" WEST A DISTANCE OF 3.84 FEET TO A POINT ON THE SAID APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE;

THENCE ALONG SAID APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE NORTH 90°00'00" WEST A DISTANCE OF 64.93 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL **ENCOMPASSING** AN AREA OF 10,231 SQUARE FEET OR 0.235 ACRES, MORE OR LESS.



**ORDINANCE NO. 1044**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3187, ET SEQ., FLORIDA STATUTES, PURSUANT TO A PRIVATELY INITIATED APPLICATION # 23-186(SCPA) WHICH PROVIDES FOR AN AMENDMENT TO THE VILLAGE FUTURE LAND USE MAP DESIGNATING 0.235± ACRES, MORE OR LESS, OF REAL PROPERTY AS “INDUSTRIAL (IND)”; WHICH PROPERTY IS LOCATED AT 6846 SEMINOLE PALMS DRIVE, INFORMALLY KNOWN AS “PRIMROSE SCHOOL”; FURTHER PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the Village of Royal Palm Beach, Florida, has received privately initiated application #23-186(SCPA) requesting a small scale amendment to the Village’s Comprehensive Development Plan which meets all the requirements of a “small scale” development as defined in Section 163.3187(1), Florida Statutes; and

WHEREAS, the Village of Royal Palm Beach, Florida, has carefully prepared an amendment to its comprehensive development plan in order to adopt a map amendment concerning a proposed Industrial (IND) land use designation; and

WHEREAS, the Village of Royal Palm Beach has held all duly required public hearings; both prior to submission of the proposed amendment of the plan to the State Department of Commerce and after the proposed amendment of the plan was returned to the Village of Royal Palm Beach, in accordance with Chapter 163.3187, Florida Statutes; and

WHEREAS, the Village Council desires to adopt the amendment to the current comprehensive development plan to guide and control the future development of the Village, and to preserve, promote and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE

VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village of Royal Palm Beach Comprehensive Plan is hereby amended by adopting this amendment to its current Comprehensive Development Plan dated 2016. This amendment specifically changes the land use designation for one (1) parcel of property totaling 0.235± acres from the Village Open Space (OS) future land use designation to the Village Industrial (IND) future land use designation, and further amends the Village's Future Land Use Map accordingly. Said parcel comprises approximately 0.235± acres, more or less, and is more particularly described on the attached Exhibit "A." The amended Village Future Land Use Map, which shows the new land use designation for this parcel, is attached hereto as Exhibit "B" and made a part hereof and of the current comprehensive development plan.

Section 2: A copy of the Comprehensive Development Plan, as amended, is on file in the office of the Village Clerk, Village of Royal Palm Beach, Florida.

Section 3: The Village's Planning and Zoning Director is hereby directed to transmit one (1) copy of the amendment to the current Comprehensive Development Plan to the State Land Planning Agency along with a letter indicating the number of acres for the amendment submitted, the cumulative number of acres involved in small scale developments within the Village of Royal Palm Beach that the Village Council has approved during the past calendar year, a copy of the executed adopting ordinance and the Future Land Use Map, in color format, depicting the subject property, and the ordinance effective date.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: The effective date of this plan amendment shall be thirty-one (31) days following adoption of this Ordinance by the Village of Royal Palm Beach. If timely challenged, this amendment does not become effective until the State Land Planning Agency or the Administration Commission issues a final order determining the small scale development amendment is in compliance pursuant to Sec. 163.3187(5)(c), *Florida Statutes*. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

FIRST READING this 21st day of March, 2024.

SECOND AND FINAL READING this 18th day of April, 2024.

VILLAGE OF ROYAL PALM BEACH

\_\_\_\_\_  
MAYOR FRED PINTO

ATTEST:

(SEAL)

\_\_\_\_\_  
DIANE DISANTO, VILLAGE CLERK

EXHIBIT A  
LEGAL DESCRIPTION

ALL THAT PIECE AND PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

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EXHIBIT B  
 DIRECTLY BELOW IS VILLAGE'S REVISED FUTURE LAND USE MAP

