

Agenda Item # R - 4

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-164 (SPM, SE, AAR), AN APPLICATION BY JONAS PEREZ MANANET OF BAR EDUCATION, INC., AND ADOPTION OF RESOLUTION NO. 23-52 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN MODIFICATION, SPECIAL EXCEPTION APPROVAL TO ALLOW FOR A COLLEGE USE AS PART OF THE EXISTING “PRIVATE ACADEMIC INSTITUTION”, AND ARCHITECTURAL APPROVAL TO MODIFY THE WALL SIGNAGE ON THE NORTHERN FACADE OF THE 300 BUILDING, FOR A PROPERTY LOCATED AT 300 AND 400 ROYAL COMMERCE ROAD.

Issue:

The Applicant is requesting Site Plan Modification to modify the previously approved Site Plan, Special Exception Approval to modify the use of the 300 Building to allow for college use as part of the existing “Private Academic Institution” in lieu of the existing middle school use and modify the student numbers, within the Industrial General (IG) Zoning District, and Architectural Approval to modify the wall signage on the northern facade of the 300 Building, for a property located at 300 and 400 Royal Commerce Road.

This item was considered by the Planning and Zoning Commission at its regular meeting on February 27, 2024 and was recommended for Approval by a vote of 5-0.

Recommended Action:

Staff recommends Approval of Application No. 23-164 (SPM, SE, AAR) and Resolution No. 23-52.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	3-21-2024	Action

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Primrose College Use

Application: 23-164 (SPM, SE, AAR) (Res. No. 23-52)

Applicant/Owner: Jonas Perez Mananet, CFO
 Bar Education, Inc.
 5875 NW 163rd Street, Suite 102
 Miami Lakes, FL 33014

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

Request: Site Plan Modification to modify the previously approved site plan, Special Exception Approval to modify the use of the 300 Building to allow for college use as part of the existing “Private Academic Institution” in lieu of the existing middle school use and modify the student numbers, within the Industrial General (IG) Zoning District, and Architectural Approval to modify the wall signage on the northern facade of the 300 Building, for a property located at 300 and 400 Royal Commerce Road.

Hearings: Planning and Zoning Commission: February 27, 2024
 Village Council March 21, 2024

Recommendation: Approval

II. Site Data:

Site Area: 1.914± acres

Property Control Numbers: 72-41-43-35-00-000-7410; 72-41-43-35-00-000-7400

Existing Land Use: Private Academic Institution

Existing FLUM Designation: Industrial (IND)

Existing Zoning District: Industrial General (IG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
<i>North</i>	Camellia Park	Open Space (OS)	Public Ownership (PO)
<i>South</i>	Office Warehouse	Industrial (IND)	Industrial Limited (IL)
<i>East</i>	Southern Palms Crossing	Commercial (COM)	General Commercial (CG)
<i>West</i>	Auto Paint and Body	Industrial (IND)	Industrial General (IG)

Directly below is a map illustrating the location of the area which is the subject of this Application:



III. Intent of Petition:

The Applicant is requesting Site Plan Modification in order to modify the previously approved Site Plan, Special Exception approval to modify the use of 300 Building to allow for college use as part of the existing “Private Academic Institution” in lieu of the existing middle school use and modify the student numbers, within the Industrial General (IG) Zoning District, and Architectural approval to modify the wall signage on the northern facade of the 300 Building, for a property located at 300 and 400 Royal Commerce Road. For an illustration of the proposed Site Plan please refer to **Attachment C**.

The Applicant is also requesting Architectural approval to modify the wall signage on the northern façade of the 300-building. Please refer to **Attachment D** for an illustration of the proposed wall sign.

IV. History:

The site is located in the Royal Commerce Center, which is located behind the Royal Plaza Shopping Center, north of Southern Boulevard and east of Royal Palm Beach Boulevard. The Royal Commerce Center was originally approved in 1984 and was later rezoned from Industrial Limited (IL) to Industrial General (IG) in 1990. A subsequent site plan modification was approved in 1999. It has had a number of uses since its original construction. Village Council approved Resolution No. 06-18 to allow Ideal School totaling 75 students and to occupy two (2) buildings totaling 25,848 square feet.

V. Analysis:

The Applicant is requesting Site Plan Modification in order to modify the previously approved Site Plan, Special Exception approval to modify the use of 300 Building to allow for college use as part of the existing "Private Academic Institution" in lieu of the existing middle school use and modify the student numbers, within the Industrial General (IG) Zoning District, and Architectural approval to modify the wall signage on the northern facade of the 300 Building, for a property located at 300 and 400 Royal Commerce Road.

Currently, the site plan indicates a "Middle School" within the 300 Building. The Applicant is proposing to replace the existing "Middle School" use with a "College" use. Therefore, the Applicant has applied for a Special Exception in order to replace the existing use.

In reviewing this petition, Village staff considered conformity with the Village of Royal Palm Beach's Zoning Code pertaining to the Industrial General (IG) Zoning District. Specifically, the proposed project meets the requirements for the Industrial General (IG) Zoning District as follows:

1. Parcel size: The overall Planned Industrial Development (PID) exceeds the minimum Parcel Size requirement of three (3) acres.
2. Parcel width: The property exceeds the minimum parcel width of 200 feet.
3. Setbacks: The Applicant is not proposing any structure. The site plan of record will remain as previously approved.
4. Pervious area: The proposed Site Plan meets or exceeds the pervious area requirements.
5. Parking Requirements: The proposed Site Plan meets the parking standards of the Village Code.
6. Landscape Areas: The proposed landscape generally meets all of the minimum planting material standards of Chapter 15 Landscaping.
7. Maximum Building Height: The proposed buildings do not exceed the maximum height regulations of the Industrial General (IG) Zoning District.

Overall, the proposed Site Plan Modification meets all of the Village's requirements for this type of use in the Industrial General (IG) Zoning District.

VI. Disposition Options:

Approval of the application;
Denial of the application.

VII. Staff Recommendation:

Staff recommends Approval of Application No. 23-164 (SPM, SE, AAR) and Resolution No. 23-52.

VIII. Hearing History:

Planning and Zoning Commission:

This item was considered by the Planning and Zoning Commission at its regular meeting on February 27, 2024 and was recommended for Approval by a vote of 5-0.

**Attachment A
Legal Description
Primrose College Use
Application No. 23-164 (SPM, SE, AAR)
Resolution No. 23-52**

Directly Below is the Legal Description:

DESCRIPTION

PARCEL 1

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

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35 WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 80 (SOUTHERN BOULEVARD); THENCE A NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 600.50 FEET TO THE SOUTHEAST CORNER OF THE LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID SOUTHEAST CORNER BEING THE POINT OF BEGINNING OF THE HERON DESCRIBED PARCEL OF LAND;

THENCE, CONTINUE NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE AND ALONG THE EAST LINE OF SAID LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508 AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 283.60 FEET; THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 186.68 FEET; THENCE, SOUTH 00°30'31" WEST, A DISTANCE OF 160.01 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 34.54 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.33 FEET; THENCE, SOUTH 88°51'31" EAST, A DISTANCE OF 5.61 FEET; THENCE, SOUTH 01°08'29" WEST, ALONG THE CENTERLINE OF AN EXISTING WALL SEPARATING TWO DUMPSTER BAYS, AND ITS SOUTHERLY PROLONGATION, A DISTANCE OF 31.47 FEET; THENCE, SOUTH 89°48'12" EAST, ALONG THE SOUTH LINE OF SAID LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508, AND ITS WESTERLY PROLONGATION, A DISTANCE OF 220.26 FEET TO THE POINT OF BEGINNING.

PARCEL 2

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

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35 WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80; SAID INTERSECTION POINT BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN O.R. BOOK 4104, PAGE 1057, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 684.10 FEET TO THE NORTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTH-SOUTH QUARTER SECTION LINE AND ALONG THE NORTH LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, A DISTANCE OF 186.68 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, FOR A POINT OF BEGINNING;

THENCE, CONTINUE NORTH 90°00'00" WEST, ALONG THE PROLONGATION OF SAID NORTH LINE, A DISTANCE OF 5.66 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 5.95 FEET; THENCE, NORTH 90°00'00" WEST, A DISTANCE OF 150.00 FEET; THENCE, SOUTH 00°00'00" WEST, A DISTANCE OF 165.95 FEET; THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 116.70 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.27 FEET; THENCE SOUTH 88°51'31" EAST, A DISTANCE OF 3.00 FEET TO A POINT OF THE WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306; THENCE, NORTH 02°07'18" EST, ALONG SAID WESTERLY BOUNDARY LINE, A DISTANCE OF 91.33 FEET; THENCE, NORTH 90°00'00" EAST, CONTINUING ALONG SAID WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, A DISTANCE OF 34.54 FEET; THENCE, NORTH 00°30'31" EAST, CONTINUING ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 160.01 FEET TO THE POINT OF BEGINNING.

Attachment B
Conditions of Approval
Primrose College Use
Application No. 23-164 (SPM, SE, AAR)
Resolution No. 23-52

1. Development Order:

Site Plan Modification to modify the previously approved site plan, Special Exception Approval to modify the use of the 300 Building to allow for college use as part of the existing "Private Academic Institution" in lieu of the existing middle school use and modify the student numbers, within the Industrial General (IG) Zoning District, and Architectural Approval to modify the wall signage on the northern facade of the 300 Building, for a property located at 300 and 400 Royal Commerce Road.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All other conditions imposed by previous approvals shall remain in full force and effect unless specifically modified herein.

2. Site Specific Conditions:

- A. The school shall be limited to preschool and college use. The school inclusive of both sites shall be limited to a maximum of 356 full time students. The preschool enrollment shall not exceed a maximum of 206 full time students and the college enrollment shall not exceed a maximum of 150 full time students. The project is subject to and shall remain consistent with the provisions of the Florida Fire Code.
- B. The proposed location of the College Use shall be limited only to the 300 Building as shown on the proposed site plan.
- C. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- D. The site shall be maintained free of all trash at all times.
- E. The signs shall meet all of the dimensional requirements of Village Code.

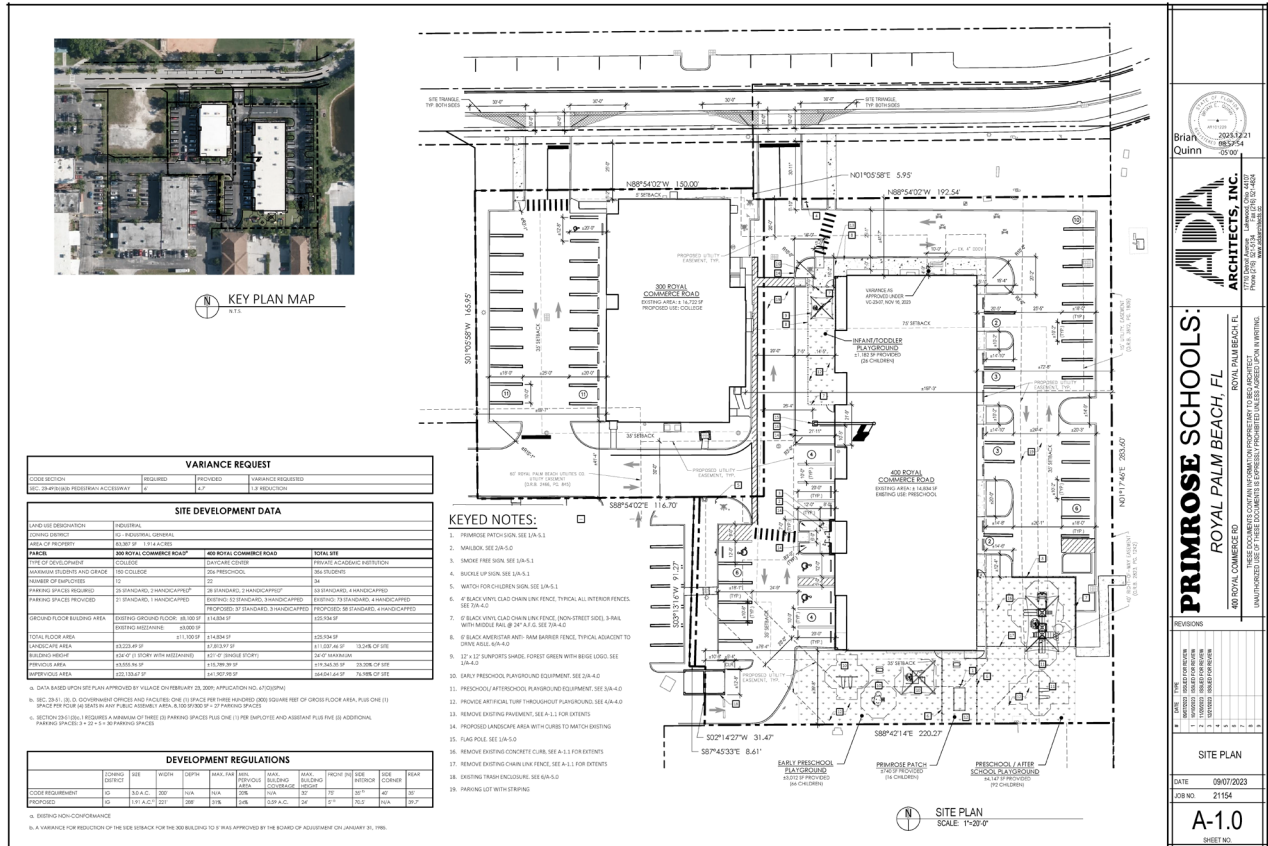
3. Landscaping Conditions:

- A. The property owner 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.
- B. Vegetation removal shall not commence until a vegetation removal permit have been issued.
- C. 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.
- D. 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.

- E. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

Attachment C Site Plan Primrose College Use Application No. 23-164 (SPM, SE, AAR) Resolution No. 23-52

Directly below is an illustration of the Site Plan.



SITE PLAN

SCALE: 1"=20'-0"

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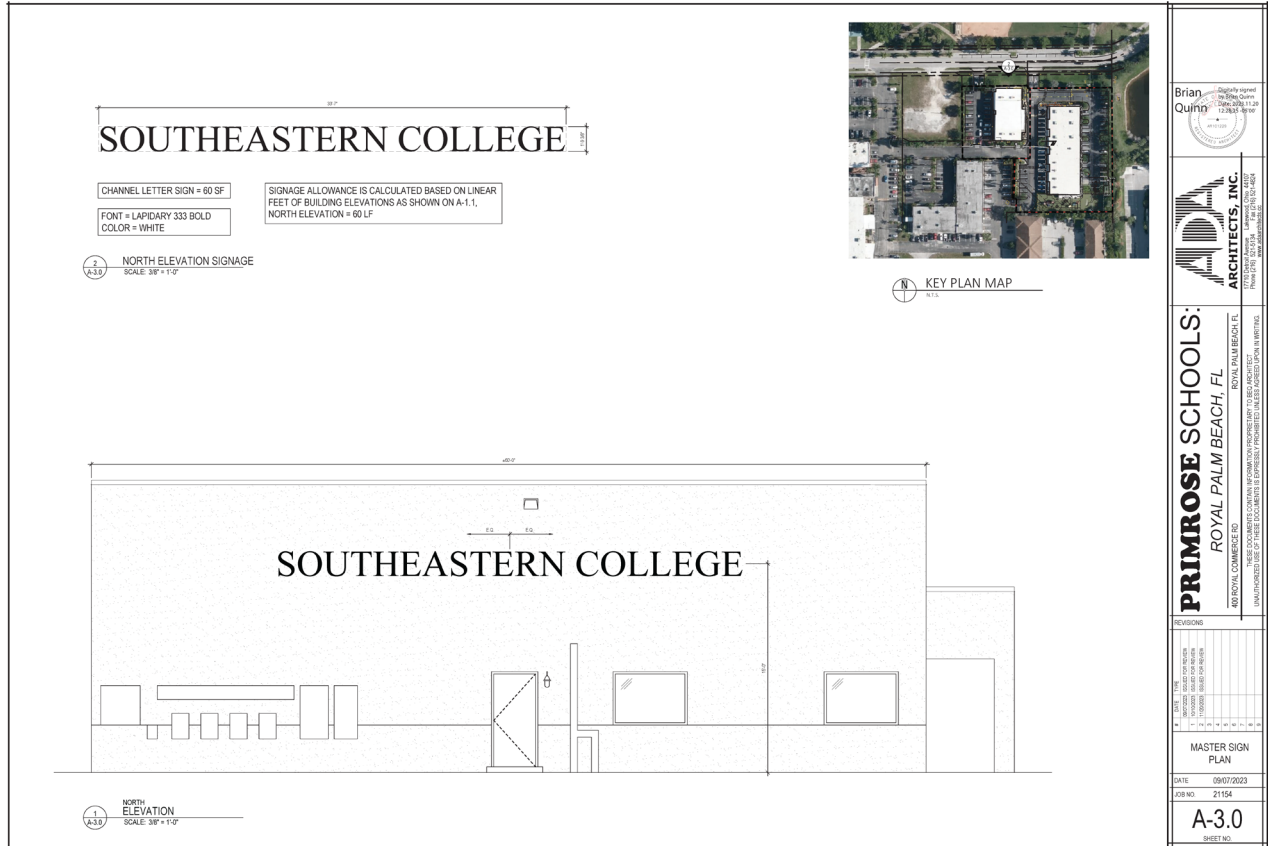
Brian Quinn
ARCHITECTS, INC.

PRIMROSE SCHOOLS
ROYAL PALM BEACH, FL

DATE: 09/07/2023
JOB NO: 21154
A-1.0
SHEET NO.

Attachment D
Proposed Wall Sign
Primrose College Use
Application No. 23-164 (SPM, SE, AAR)
Resolution No. 23-52

Directly below is an illustration of the proposed Wall Sign.



RESOLUTION NO. 23-52

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-164 (SPM, SE, AAR) – THE APPLICATION OF BAR EDUCATION, INC. - PERTAINING TO A SITE PLAN MODIFICATION, SPECIAL EXCEPTION, AND ARCHITECTURAL APPROVAL FOR TO ALLOW FOR COLLEGE USE AS PART OF THE EXISTING “PRIVATE ACADEMIC INSTITUTION” IN LIEU OF THE EXISTING MIDDLE SCHOOL USE AND MODIFY THE STUDENT NUMBERS, AND ARCHITECTURAL APPROVAL TO MODIFY THE WALL SIGNAGE ON THE NORTHERN FACADE OF THE 300 BUILDING WITHIN THE INDUSTRIAL GENERAL ZONING DISTRICT ON A 1.914± ACRE PARCEL OF LAND LOCATED AT 300 AND 400 ROYAL COMMERCE ROAD, 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. 23-164 (SPM, SE, AAR) was presented to the Village Council at its public hearing conducted on March 21, 2024; 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. 23-164 (SPM, SE, AAR), THE APPLICATION OF BAR EDUCATION, INC., 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 21st day of March, 2024.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
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Primrose College Use @ 300 and 400 Royal Commerce Road
Application No. 23-164 (SPM, SE, AAR)
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