

Agenda Item # R - 3

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-186 (SCPA), AND ORDINANCE NO. 1044 ON SECOND 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.

The Village Council considered Ordinance No. 1044 on first reading on March 21, 2024 and voted to Approve by a vote of 5-0.

Recommended Action:

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

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	4/18/24	Action

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:

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.

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

