

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 25-007 (SE) AN APPLICATION BY WEST PALM RADIATION ASSOCIATES LLC, AND ADOPTION OF RESOLUTION NO. 25-03 CONFIRMING COUNCIL ACTION. THE APPLICANT IS REQUESTING SPECIAL EXCEPTION USE APPROVAL TO ALLOW FOR A “VETERINARY ONCOLOGY CENTERS, NO OVERNIGHT STAY” WITHIN THE OFFICE COMMERCIAL (CO) ZONING DISTRICT, FOR A PROPERTY LOCATED AT 12993 PALMS WEST DRIVE. BY AGENT: BRIAN M. SEYMOUR, ESQ. & JOHN ROACH, AICP.

Issue:

The applicant is requesting Special Exception Use Approval to allow for a “Veterinary oncology center, no overnight stay” within the Office Commercial (CO) Zoning District, for a property located at 12993 Palms West Drive. Pursuant to the Applicant’s Justification Statement, “West Palm Radiation Associates LLC wishes to use a portion of the building to provide cancer treatment for domesticated animals.” The Applicant confirms in their Justification Statement that there will be not overnight stays as part of the services administered.

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, as well as the Applicant’s responses:

1. The proposed Special Exception is consistent with the policies and standards of the Village’s Comprehensive Plan; or

The Applicant states: “The Village’s Comprehensive Plan (the “**Plan**”) provides general guidance for the growth and future development of the City. The proposed Special Exception is consistent with the Plan. Specifically, Goal LU-1 of the Plan’s Future Land Use Element provides that the Village include: A mix of compatible land uses which meets the needs of the Village residents, maintains and enhances the community character, does not adversely impact

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[the] existing neighborhood and is developed concurrently with the needed infrastructure and facilities.”

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

The Applicant states: “The Use will be located within an existing medical office building built in conformance with the Master Plan. No modifications to the exterior of the building or the Site are proposed.”

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 Use will not have adverse environmental impacts as it will utilize an existing office building within the Master Plan. Pursuant to the Supplemental Use Regulations all activities shall occur within the enclosed building.”

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 veterinary oncology center also will have no detrimental effect on vehicular or pedestrian circulation within the area and will not generate traffic that would reduce the level of service of any roadway. Included in this application is a Traffic Generation Statement (the “**Statement**”) performed by Simmons & White, dated January 19, 2025, comparing the Use with the previous tenant (medical office). As shown therein, as compared to the existing use, the daily trips will decrease, and the increase in peak hour trips is minimal. The Statement is a conservative analysis; the trip generation rate for the Use was based on a general animal hospital/veterinary clinic and not a specialized facility like the one proposed. The Institute of Transportation Engineers (ITE) Trip Generation Manual does not have a generation rate for such a specialized facility. It is reasonable that the traffic generated by such a specialized facility will actually be less than that generated by a general animal hospital/veterinary clinic. Additionally, the traffic would be distributed as treatments are scheduled throughout the day and not focused to a particular peak hour. This would further decrease the daily trips and potentially negate the increase in peak hour trips indicated in the Statement. The use will not interfere with the existing traffic patterns or movements of pedestrians, bicycles, or transit in the area. There is more than sufficient parking and access for the existing building.”

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,

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drainage systems, refuse disposal, water, sewers, and schools, which cannot be prevented by the imposition of conditions; or

The Applicant states: "The Use will not have any adverse impacts upon public facilities as it is proposed within an existing office building within the Master Plan and serviced by existing utilities. No expansion or alterations to the exterior of the building or Site are proposed that would necessitate additional public facilities."

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: "With all activities occurring within the confines of the existing building, and a limitation to care of domesticated animals, the Use will not impact the peaceful enjoyment of surrounding properties or the general area. It will not generate any adverse impacts on the neighboring properties, such as noise, vibrations, fumes, odors, dust, or glare and will only operate during normal business hours; as stated previously there will be no overnight stays. The mood and behavior of pets receiving treatment and under the care of the veterinarian is often subdued due to their symptoms, and they will not be taken outside for walks or to go to the bathroom, ensuring there is no interaction between the domesticated animals and other individuals who may be accessing the Site."

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 Use will be located within an existing medical office building within the Master Plan. No residential development is permitted or exists within the area. Many of the buildings within the Master Plan consist of medical offices, some of which, including the adjacent tenant, provide the very same treatments proposed by the Use. The only difference is the type of patient."

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 Use will not no adverse impact on property values as it is in harmony and consistent with the existing office character of the surrounding area. Many of the buildings within the Master Plan consist of medical offices, some of which, including the adjacent tenant, provide the very same treatments proposed by the Use. The only difference is the type of patient."

9. The proposed Special Exception is not a deterrent to the improvement or development of adjacent property, in accordance with applicable Village Code

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development regulations, which cannot be prevented by the imposition of conditions; or

The Applicant states: "The Use will occur within an existing medical office building, with all activities occurring within the enclosed structure. There would be no deterrence to the improvement or development of adjacent properties. No improvements are proposed to the exterior of the building or Site."

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: "The proposed Use will not impact the quality or quantity of light and air available to adjacent properties as all activities occur within an existing medical office building in conformance with the Master Plan."

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

The Planning and Zoning Commission considered Application No. 25-007 on March 25, 2025 and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application No. 25-007 (SE) and Resolution No. 25-03.

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RESOLUTION NO. 25-03

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 25-007(SE) – THE APPLICATION OF WEST PALM RADIATION ASSOCIATES LLC - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “VETERINARY ONCOLOGY CENTER, NO OVERNIGHT STAY” LOCATED WITHIN THE OFFICE COMMERCIAL (CO) ZONING DISTRICT AT 12993 PALMS WEST DRIVE, 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. 25-007(SE) was presented to the Village Council at its public hearing conducted on April 17, 2025; 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. 25-007(SE), THE APPLICATION OF WEST PALM BEACH RADIATION ASSOCIATES LLC, 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 April, 2025.

VILLAGE OF ROYAL PALM BEACH

MAYOR JEFF HMARA

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
West Palm Radiation @ 12993 Palms West Drive
Application 25-007(SE)
Res. No. 25-03

LEGAL DESCRIPTION:

A portion of Lot 6 of "Palms West Medical Office Complex" according to the plat thereof as recorded in Plat Book 69, Pages 149 and 150 of the Public Records of Palm Beach County, Florida being more particularly described as follows:

Commence at the westernmost Southwest corner of said Lot 6; thence along the West line of said Lot 6, North 00°23'11" East 31.35 feet; thence South 89°36'49" East 72.67 feet to the Point of Beginning on a line 72.67 feet East of and parallel with the West line of said Lot 6; thence along said parallel line North 00°23'11" East 151.00 feet; thence South 89°36'49" East 81.00 feet to a line 153.67 feet East of and parallel with the West line of said Lot 6; thence along said parallel line South 00°23'11" West 151.00 feet; thence North 89°36'49" West 81.00 feet to the Point of Beginning.

Said lands situate, lying and being in Palm Beach County, Florida.

Attachment B
Conditions of Approval
West Palm Radiation @ 12993 Palms West Drive
Application 25-007(SE)
Res. No. 25-03

1. Development Order:

This development order constitutes approval for:

A Special Exception Use for 8,000 sf of “Veterinary oncology center, no overnight stay” within the existing building located at 12993 Palms West Drive.

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. There shall be no overnight stays as part of the services administered at this facility.
- B. The approved use at this facility shall at all times comply with the requirements of Section 26-75.8 of the Code of Ordinances of the Village of Royal Palm Beach.
- C. This Special Exception use approval shall become null and void should the operator, West Palm Radiation, cease operations at this location.
- D. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.

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.