

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-047 (SCPA), AN APPLICATION BY HM2V, INC., AND APPROVAL OF ORDINANCE NO. 1037 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: VINCENT KAHER OF HM2V, 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 enlarging the existing Paint Lux facility parking lot. The Justification Statement further states that no storage of any material and or equipment, disabled vehicles of any kind will occur.

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. 23-047 (SCPA) at a Special Meeting on August 14, 2023 and recommended Approval by a vote of 5-0.

The Village Council considered Ordinance No. 1037 on first reading on August 17, 2023 and recommended Approval by a vote of 5-0.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	9/21/23	Action

Recommended Action:

Staff is recommending Approval of Application No. 23-047 (SCPA) and Ordinance No. 1037 on Second Reading.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	9/21/23	Action

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Paint Lux Auto Body

Application: 23-047 (SCPA) (Ord. No. 1037)

Applicant: HM2V, Inc.
Vincent Kafer
513 US-1 Highway, Suite 110
North Palm Beach, FL 33408

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: August 14, 2023
Village Council (First Reading): August 17, 2023
Village Council (Second Reading): September 21, 2023

Recommendation: Approval

II. Site Data:

Site Area: 0.235 ± acres

Property Control Number: 72-41-43-35-00-000-7420

Existing Land Use: Vacant Open Space

Existing FLUM Designation: Open Space (OS)

Proposed FLUM Designation: Industrial

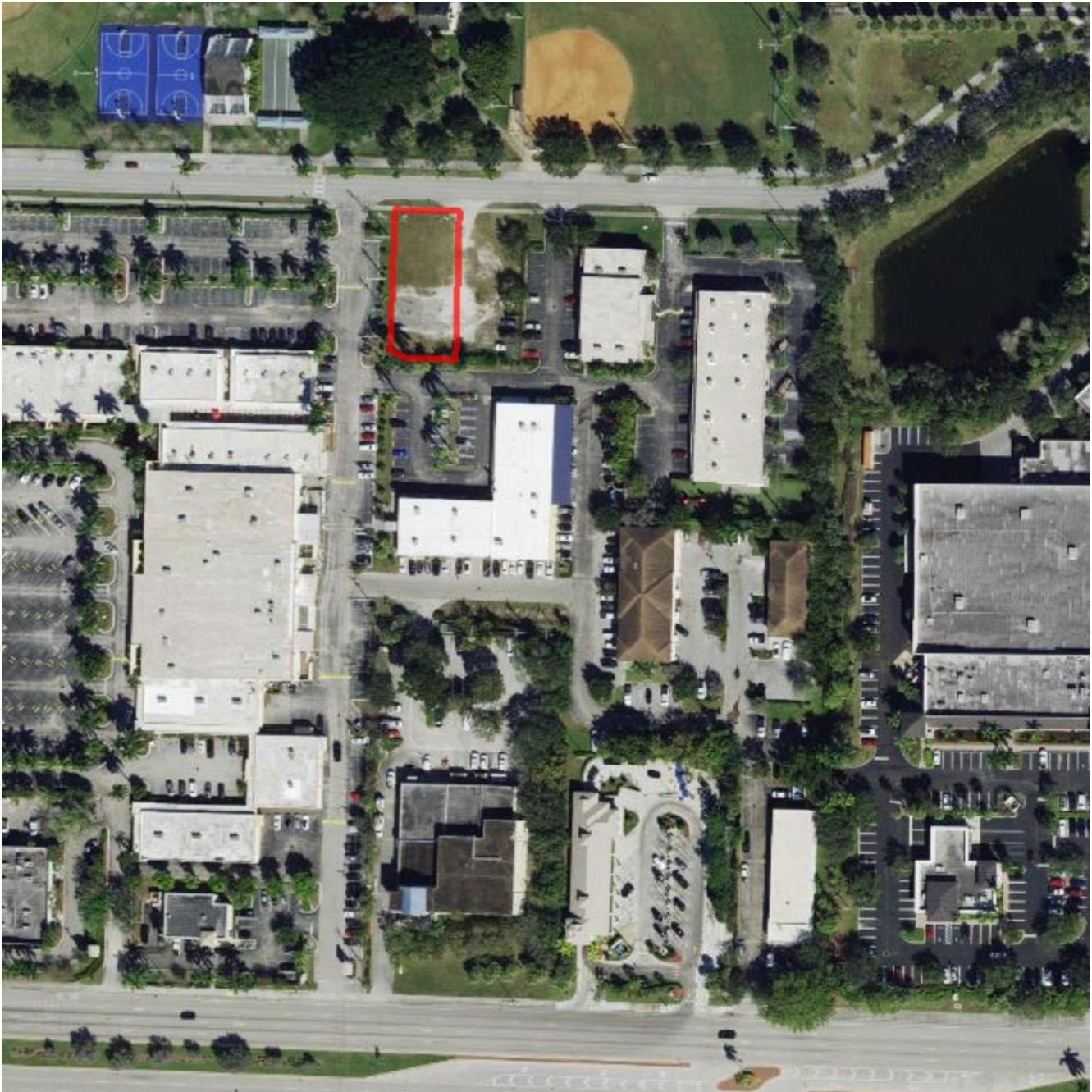
Existing Zoning District: Public Ownership (PO)

Proposed Zoning: Industrial General

Table 1: Adjacent Existing, Future Land Uses, and Zoning

Dir.	Existing:	FLUM:	Zoning:
North	Camellia Park	Open Space (OS)	Public Ownership (PO)
South	Paint Lux Auto Body	Industrial	Industrial General (IG)
East	Vacant Land	Open Space (OS)	Public Ownership (PO)
West	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 enlarging the existing Paint Lux facility parking lot. The Justification

Statement further states that no storage of any material and or equipment, disabled vehicles of any kind will occur.

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 AMG Business Enterprises 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: The Buyer intends to incorporate the subject property referred to as the "West Parcel" into its existing "Automobile and/or water craft repair and/or service" facility, located at 500 Royal Plaza Road, Suite D (The "Intended Use"). Also, within Section 1.03. Property Information and Buyer's Intended Use of the agreement, the Buyer acknowledges that in order to develop the Intended Use on this parcel, the Buyer shall be required to obtain development approvals from the Village, Which include: a Comprehensive Plan Amendment to change the Future Land Use Designation (this application), and other subsequent applications to include a Rezoning, Special Exception approval, Site Plan Modification approval, Architectural and Aesthetic approval, and building permit, collectively referred to as the "Approvals" in the agreement. To-date, the Applicant submitted applications for 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 enlarging the existing Paint Lux facility parking lot. The Justification Statement further states that no storage of any material and or equipment, disabled vehicles of any kind will occur.

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 proposed Site Plan (Draft) is provided in **Attachment B** for your reference.

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 "Community facilities and services are available in the area to sustain the future commercial development proposed by this development. Letters from the appropriate service providers verifying capacity at the proposed location have been included. Further, the future development will be required to provide construction plans for the development infrastructure and pay the appropriate cost or fair share fee guarantee that facilities/services will be provided. Future applications will provide details of the planned facilities and services that will be required for future commercial development as required by this and other applicable Village codes".

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 request will not exacerbate any existing public facility capacity deficits. The developer will be required to participate in the proportionate share of any improvement cost necessary and/or provide infrastructure needed to serve the proposed development. Services are further expanded upon as follows:

Traffic Circulation Element- A Traffic Study was submitted to Palm Beach County and included as part of this application. Based on the review, the Traffic Division has determined the proposed development generates less than 20 peak hours trips; therefore, the proposed development project meets the TPS of Palm Beach County.

Sanitary Sewer and Solid Waste- The proposed development will be used for a parking lot and no sanitary sewer and solid wastewater improvements are needed. However, there are existing sanitary sewer and solid wastewater facilities nearby that are provided at the 500 Royal Plaza Road building and can provide sanitary sewer and solid wastewater if needed for the parking lot addition. The subject site is within the Palm Beach County Water Utilities Department.

Drainage- The proposed improvements include development of the site into a parking lot with associated driveway and infrastructure. Civil engineering improvements will include drainage collection and conveyance system. The proposed drainage control structure will be utilized to provide the necessary detention prior to outfall to the existing main. All related drainage criteria set forth by the South Florida Water Management District and the Village of Royal Palm Beach Development Code will be adhered to as required.

Potable Water- The proposed development will be used for a parking lot and no water improvements are needed. However, there are existing water facilities nearby that are provided

at the 500 Royal Plaza Road building and can provide water if needed for the parking lot addition. The subject site is within the Palm Beach County Water Utilities Department”.

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 action requested will not generate public facility demands that will affect capacity increases in the five-year plan as it relates to sanitary sewer, solid waste, drainage, portable water element, recreation, and open space element. Please refer to the overview provided in requirement number 2 above regarding the services for the proposed development. The proposed development will not negatively impact public facility demands, and all utilities and public facilities required will be provided concurrently with development”.

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 proposed FLU designation of Industrial General is consistent with the surrounding properties. The subject site is surrounded on three (3) sides by Industrial General and one (1) side by General Commercial. The industrial development components of the proposed IG fit into the intensity and scale of the surrounding area, as the proposed development is consistent with the Future Land Use Element of the Comprehensive Plan. Similar industrial developments have been approved and/or developed in the direct vicinity of the area over the past few years. The designation of the subject site with IG FLU category will not negatively impact the area and will further enhance the development of the area”.

VI. Staff Recommendation:

Staff is recommending Approval of Application No. 23-047 (SCPA) and Ordinance No. 1037 on Second Reading.

VII. Hearing History:

Local Planning Agency:

The Local Planning Agency considered Application No. 23-047 (SCPA) at a Special Meeting on August 14, 2023 and recommended Approval by a vote of 5-0.

Village Council (First Reading):

The Village Council considered Ordinance No. 1037 on first reading on August 17, 2023 and recommended Approval by a vote of 5-0.

**Attachment A
Legal Description
Paint Lux Auto Body
Application No. 23-047 (SCPA)
Ordinance No. 1037**

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 ON THE APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE AND THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 141.97 FEET TO A POINT; THENCE SOUTH 64°31'55" EAST A DISTANCE OF 18.76 FEET TO A POINT; THENCE NORTH 89°56'43" EAST A DISTANCE OF 51.73 FEET TO A POINT; THENCE NORTH 00°00'00" WEST A DISTANCE OF 149.99 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 68.67 FEET TO THE POINT OF BEGINNING.

SAID PARCEL ENCOMPASSING AN AREA OF 10,233 SQUARE FEET OR 0.235 ACRES, MORE OR LESS.

ORDINANCE NO. 1037

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 # 23-047(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 “PAINT LUX AUTO BODY”; 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 #23-047(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 Economic Opportunity 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 July 4, 2009. 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 17th day of August, 2023.

SECOND AND FINAL READING this 21st day of September, 2023.

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 ON THE APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE AND THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 141.97 FEET TO A POINT; THENCE SOUTH 64°31'55" EAST A DISTANCE OF 18.76 FEET TO A POINT; THENCE NORTH 89°56'43" EAST A DISTANCE OF 51.73 FEET TO A POINT; THENCE NORTH 00°00'00" WEST A DISTANCE OF 149.99 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 68.67 FEET TO THE POINT OF BEGINNING.

SAID PARCEL ENCOMPASSING AN AREA OF 10,233 SQUARE FEET OR 0.235 ACRES, MORE OR LESS.

EXHIBIT B VILLAGE'S REVISED FUTURE LAND USE MAP

Directly below is the updated Future Land Use Map

