

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 20-136 (SE), AN APPLICATION BY MARCOS UNIS AND ADOPTION OF RESOLUTION NO. 21-02 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SPECIAL EXCEPTION USE APPROVAL FOR A “VETERINARIAN’S CLINIC WITH OUTSIDE RUN”, ON A 38.89 ACRE PARCEL OF LAND LOCATED AT 10465 SOUTHERN BOULEVARD.

Issue:

The applicant is seeking Special Exception Use Approval to allow for a 20,411 square foot “Veterinarian’s clinic with outside run” on a 38.89 acre of land situated within the Southern Shoppes on 441. The “Veterinarian’s clinic with outside run” is a Special Exception Use within the General Commercial (CG) Zoning District. The “Veterinarian’s clinic with outside run” will occupy Building 2 and is highlighted in green on the Site Plan illustrated in **Attachment A**.

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*. Specifically:

1. The proposed Special Exception is consistent with the policies and standards of the village comprehensive plan; or
2. The proposed Special Exception complies with all applicable development regulations of the Village Code; or
3. The proposed Special Exception does not have adverse environmental impacts which cannot be prevented by the imposition of conditions; or
4. The proposed Special Exception does not have adverse vehicular or pedestrian traffic impacts which cannot be prevented by the imposition of conditions; or
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, drainage systems, refuse disposal, water, sewers, and schools, which cannot be prevented by the imposition of conditions; or

Initiator:	Village Manager	Agenda Date	Council
P & Z Director	Approval	4-1-2021	Action

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]
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]
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
9. The proposed Special Exception is not a deterrent to the improvement or development of adjacent property, in accordance with applicable Village Code development regulations, which cannot be prevented by the imposition of conditions; or
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.

In reviewing the proposed Special Exception, 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 General Commercial (CG) Zoning District. Staff has determined that the proposed Special Exception conforms to Village standards.

The Planning & Zoning Commission considered this application on February 23, 2021 and recommended Approval by a vote of 5-0.

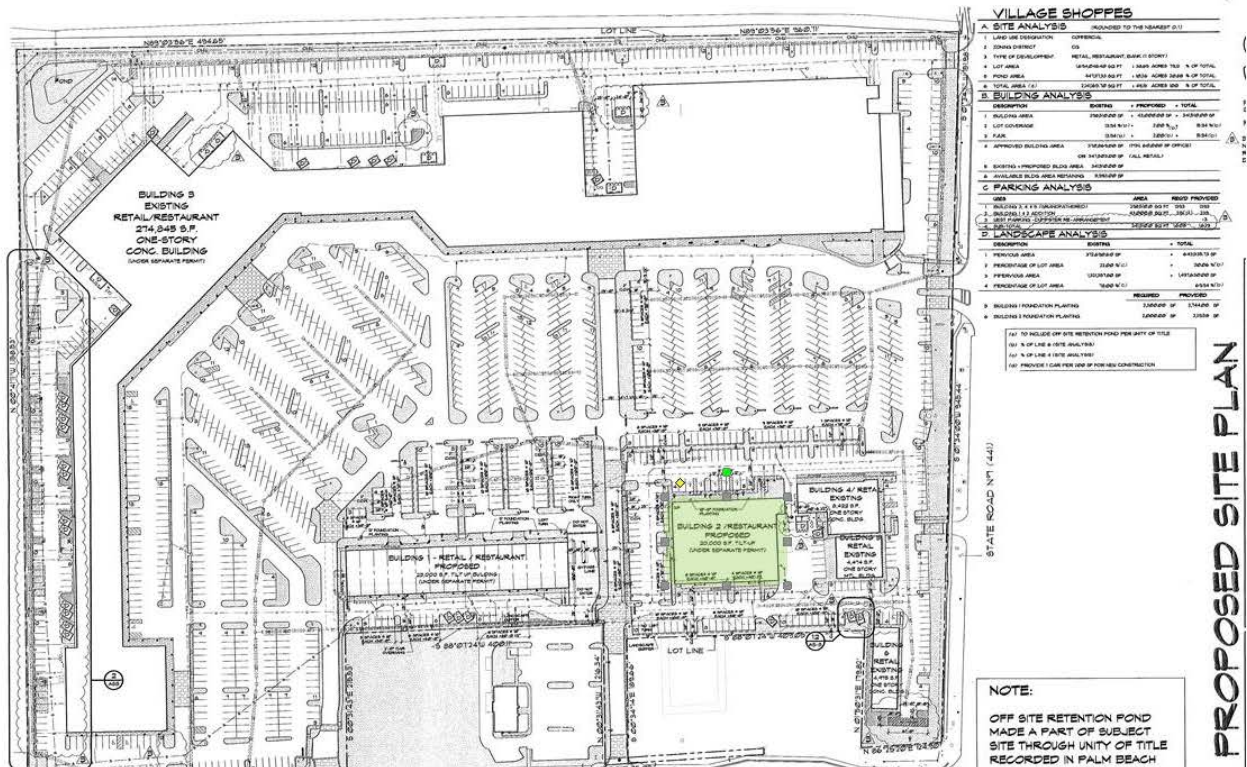
Recommended Action:

Staff is recommending Approval of Application No. 20-136 (SE) and Resolution 21-02.

Initiator:	Village Manager	Agenda Date	Council
P & Z Director	Approval	4-1-2021	Action

Attachment A Site Plan

Directly below is an illustration of the Site Plan showing the location of the “Veterinarian’s clinic with outside run” highlighted in green.



Initiator:	Village Manager	Agenda Date	Council
P & Z Director	Approval	4-1-2021	Action

Z:\Project Files 12-11-02\Southern Center (Village Shoppes on 441) (91-3) (15-09) (17-08)20-136 (SE) Access Animal Hospital\Agenda Item20-136 (SE) Access Animal Hospital Agenda Item VC.doc

RESOLUTION NO. 21-02

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 20-136(SE) – THE APPLICATION OF MARCOS UNIS - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “VETERINARIAN’S CLINIC WITH OUTSIDE RUN”, LOCATED AT 10465 SOUTHERN BOULEVARD, 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. 20-136(SE) was presented to the Village Council at its public hearing conducted on April 1, 2021; 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. 20-136(SE), THE APPLICATION OF MARCOS UNIS, 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 1st day of April, 2021.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Access Specialty Animal Hospital @ 10465 Southern Boulevard
Application 20-136(SE)
Res. 21-02

LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST ONE-HALF (E 1/2) OF SAID TRACT 7; THENCE NORTH 88 DEGREES, 07 MINUTES, 11 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST ONE-HALF (E 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 216.34 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86 DEGREES, 25 MINUTES, 20 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 245.73 FEET; THENCE NORTH 00 DEGREES, 34 MINUTES, 13 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 183.95 FEET; THENCE NORTH 88 DEGREES, 07 MINUTES, 11 SECONDS EAST A DISTANCE OF 158.05 FEET; THENCE SOUTH 01 DEGREE, 50 MINUTES, 18 SECONDS WEST A DISTANCE OF 179.82 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86 DEGREES, 25 MINUTES, 20 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS RECORDED IN OFFICIAL RECORDS BOOK 5345, PAGE 595, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01 DEGREE, 33 MINUTES, 47 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 945.44 FEET; THENCE NORTH 01 DEGREE, 33 MINUTES, 58 SECONDS EAST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 151.97 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE SOUTH 89 DEGREES, 03 MINUTES, 43 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID TRACTS 6 AND 7, A DISTANCE OF 960.69 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7 AND THE POINT OF BEGINNING;

OUT PARCEL 2-A:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00°31'43" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 667.69 FEET; THENCE NORTH 89°28'17" EAST, A DISTANCE OF 435.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°07'24" EAST, A DISTANCE OF 251.00; THENCE SOUTH 00°31'43" EAST, A DISTANCE OF 257.38 FEET; THENCE SOUTH 88°07'24" WEST, A DISTANCE OF 251.00 FEET; THENCE NORTH 00°31'43" WEST, A DISTANCE OF 257.83 FEET TO THE POINT OF BEGINNING.

OUT PARCEL 3-A:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 6, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 31'56" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST ONE-HALF OF SAID TRACT 7 FOR A POINT OF BEGINNING;

THENCE NORTH 88 DEGREES 07'11" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST ONE-HALF OF SAID TRACT 7; THENCE NORTH 00 DEGREES 31'56" WEST, ALONG SAID EAST LINE, A DISTANCE OF 222.00 FEET; THENCE SOUTH 88 DEGREES 07'11" WEST A DISTANCE OF

367.11 FEET; THENCE SOUTH 43 DEGREES 47'38" WEST A DISTANCE OF 47.21 FEET TO THE SAID EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 31'56" EAST, ALONG SAID EAST LINE, A DISTANCE OF 189.00 FEET TO THE POINT OF BEGINNING.

PARCEL

2:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 1264.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND A POINT ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 11496.16 FEET AND WHOSE RADIUS POINT BEARS SOUTH 00 DEGREES, 23 MINUTES, 14 SECONDS WEST; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01 DEGREE, 19 MINUTES, 31 SECONDS, A DISTANCE OF 265.91 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 11422.16 FEET; THENCE WESTERLY, ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01 DEGREE, 07 MINUTES, 48 SECONDS, A DISTANCE OF 225.28 FEET TO THE END OF SAID CURVE AND A POINT ON THE WEST LINE OF SAID TRACT 7; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES, 41 MINUTES, 24 SECONDS WEST, ALONG THE WEST LINE OF SAID TRACT 7, A DISTANCE OF 1259.24 FEET TO THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 89 DEGREES, 03 MINUTES, 43 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 494.65 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7 AND THE POINT OF BEGINNING.

PARCEL

3:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2, SUPRA, AS SET FORTH IN RECIPROCAL EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 9102, PAGE 1787, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS DESCRIBED THEREIN.

LESS AND EXCEPT FROM THE ABOVE PARCELS 1, 2 AND 3, RIGHT OF WAY OF STATE ROAD 80 AND RIGHTS OF ACCESS, INGRESS AND EGRESS, AS DESCRIBED IN ORDER OF TAKING IN FAVOR OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED DECEMBER 12, 2002 IN OFFICIAL RECORDS BOOK 14451, PAGE 258, RATIFIED AND CONFIRMED BY STIPULATED FINAL JUDGMENT IN OFFICIAL RECORDS BOOK 20922, PAGE 1531, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL

4:

THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO A ROAD AND CANAL RIGHT OF WAY OVER AND ACROSS THE SOUTH 55 FEET THEREOF.

Attachment B
Conditions of Approval
Access Specialty Animal Hospital @ 10465 Southern Boulevard
Application 20-136(SE)
Res. 21-02

1. Development Order:

This development order constitutes approval for:

A Special Exception to allow an "Veterinarian's Clinic With Outside Run" to occupy a 20,411 square feet of floor area within an existing building located at 10465 Southern Blvd. and as outlined in the use and justification statement.

Unless specifically discussed in this condition.