

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 20-64 (SPM, AAR), AN APPLICATION BY ALDI INC., AND ADOPTION OF RESOLUTION 21-05 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN MODIFICATION AND ARCHITECTURAL APPROVAL TO ALLOW FOR A 1,416 SQUARE FOOT EXPANSION TO AN EXISTING 17,018 SQUARE FOOT “GROCERY STORE” AND TO RECONFIGURE THE PARKING LOT LAYOUT ON PARCELS 9 & 10 OF THE ALDI PARK SUBDIVISION LOCATED ON THE WEST SIDE OF STATE ROAD 7/US 441 APPROXIMATELY 1/4 OF A MILE SOUTH OF OKEECHOBEE BOULEVARD; BY AGENT: JASON GUNTHER, OF THOMAS ENGINEERING GROUP, LLC.

Issue:

The applicant is requesting a Site Plan Modification and Architectural Approval for a 1,416 square foot expansion (south side of the building) to an existing 17,018 square foot “Grocery store” on Parcels 9 & 10 of the Aldi Park Subdivision. The request also includes the reconfiguration of the parking lot to eliminate the access on ALDI Way; eliminate a row of parking spaces; add a row of parking spaces along the north property line; and add a perpendicular landscape strip in the area where the parking spaces were eliminated.

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

Recommended Action:

Staff is recommending Approval of Application 20-64 (SPM, AAR) through the adoption of Resolution 21-05.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	04/15/21	Action

RESOLUTION NO. 21-05

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 20-64 (SPM, AAR) – THE APPLICATION OF ALDI INC. - PERTAINING TO A SITE PLAN MODIFICATION AND ARCHITECTURAL APPROVAL FOR A 1,416 SQUARE FOOT EXPANSION TO AN EXISTING “GROCERY STORE” AND TO RECONFIGURE THE PARKING LOT LAYOUT ON PARCELS 9 & 10 OF THE ALDI PARK SUBDIVISION, LOCATED ON THE WEST SIDE OF STATE ROAD 7/US 441 APPROXIMATELY 1/4 OF A MILE SOUTH OF OKEECHOBEE 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. 20-64 (SPM, AAR) was presented to the Village Council at its public hearing conducted on April 15, 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, THAT APPLICATION NO. 20-64 (SPM, AAR), THE APPLICATION OF ALDI, 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 15th day of April, 2021.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Aldi
Application 20-64 (SPM, AAR)
Res. 21-05

LEGAL DESCRIPTION:

BEING PARCELS 9 & 10 OF ALDI PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 116, PAGES 17-23 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA ALONG WITH THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA BEING DESCRIBED IN SAID PLAT.

PARCEL 9 CONTAINING 1.194 ACRES, MORE OR LESS.
PARCEL 10 CONTAINING 1.080 ACRES, MORE OR LESS.

COMBINED PARCELS 9 & 10 CONTAINING 2.274 ACRES, MORE OR LESS.

Exhibit B
Conditions of Approval
Aldi
Application 20-64 (SPM, AAR)
Res. 21-05

1. Development Order:

This development order constitutes approval for: Site Plan Modification and Architectural approval for an 18,434 square foot "Grocery store" located on Parcels 9 & 10 of the Aldi Park Subdivision. The development order includes Architectural approval for the landscape plan, building design, and color and materials.

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. The project shall be subject to and remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. There shall be no over-night parking of any semi-trucks at any time.
- C. The site shall be maintained free of all trash at all times.
- D. All carts must be collected and stored in the designated location on the site throughout the day and prior to closing.
- E. Dumpster pads will be sloped to drain onto a pervious area.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of Council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of 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. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.
- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced.

No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.

- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- G. Following Council approval, the applicant shall submit one (1) electronic set of final plans in .TIF format.
- H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department at the time permits are issued. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
- I. At any time before the issuance of a building permit but after Council approval, submit one (1) electronic set of final plans in .TIF format. of the landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape and irrigation plan review and inspection fee of three percent (3%) of the cost estimate shall be paid to the Building Department at the time permits are issued. The Landscape and Irrigation plans must be attached to the building permit sets of plans at time of building permit submittal.
- J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- K. Prior to the issuance of any building permit or conditional building permit the following must be completed:
 - 1. No building permits shall be issued until the construction drawings have been approved.
 - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

4. Landscaping Conditions:

- A. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.

- C. The property owner/s 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.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. 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.
- H. 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.
- I. All exotic invasive species of plants shall be removed from the site prior to issuance of the Certificate of Occupancy

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Aldi

Application: 20-64 (SPM, AAR); and Res. 21-05

Owner: ALDI Florida, LLC
1171 N. State Road 7
Royal Palm Beach, FL 33414

Applicant: Jason Gunther
Thomas Engineering Group, LLC
125 W. Indiantown Road Suite 206
Jupiter, FL 33458

Request: Site Plan Modification and Architectural Approval to allow for a 1,416 expansion to an existing 17,018 square foot "Grocery store" and reconfiguration of the parking lot layout situated on a 2.274 acre parcel of land located within the General Commercial (CG) Zoning District.

Location: Approximately 1/4 mile south of Okeechobee Boulevard on the west side of State Road 7/US 441.

Hearings: Planning and Zoning Commission: March 23, 2021
Village Council: April 15, 2021

Recommendation: Approval

II. Site Data:

Site Area: 2.274 acres (±)

Property Control Numbers: 72-41-43-25-23-009-0000 & 010-0000

Existing Land Use: Vacant

Existing FLUM Designation: Commercial (COM)

Proposed FLUM Designation: N/A

Existing Zoning District: Limited Industrial (IL)

Proposed Zoning: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	Fox Property Commercial	Commercial (COM)	General Commercial (CG)
South	Regal	Commercial (COM)	General Commercial (CG)
East	SR 7, Breakers West	Low Res.(LR-2, PBC)	Residential Single Fam. (RS, PBC)
West	Aldi Industrial	Industrial (IND)	Limited Industrial (IL)

Directly below is a Zoning Map showing the location of the property.



III. Intent of Petition:

The applicant is requesting a Site Plan Modification and Architectural Approval for a 1,416 square foot expansion (south side of the building) to an existing 17,018 square foot “Grocery store” on Parcels 9 & 10 of the Aldi Park Subdivision. The request also includes the reconfiguration of the parking lot to eliminate the access on ALDI Way; eliminate a row of parking spaces; add a row of parking spaces along the north property line; and add a perpendicular landscape strip in the area where the parking spaces were eliminated. For an illustration of the Site/Landscape Plan showing proposed configuration please refer to **Attachment C**. For an illustration of the currently approved Site Plan please refer to **Attachment D** and for an Illustration of the proposed Architecture please refer to **Attachment E**.

IV. History:

The subject property was annexed into the Village of Royal Palm Beach on May 18, 2000 through the adoption of Ordinance 586. The subject parcel was given a Village land use

designation of Industrial (IND) on April 19, 2001 through the adoption of Ordinance 599. The property was subsequently rezoned to Limited Industrial (IL) on September 6, 2001 through the adoption of Ordinance 608. The property had another land use change to Residential Mixed Use on December 16, 2004, through the adoption of Ordinance 689. It was subsequently rezoned from the Limited Industrial (IL) Zoning District to the Residential Mixed Use (RMU) Zoning District on October 6, 2005, through the adoption of Ordinance 730. A site plan, special exception and preliminary plat for a residential development were approved for the site on November 17, 2005, through the adoption of Resolution 05-46. That site plan expired on November 17, 2006 as no building permit was issued for commencement of development prior to that date. In December of 2008 the property received a Village land use designation of Industrial through the adoption of Ordinance 801 and was subsequently rezoned to Limited Industrial in November of 2008 with the adoption of Ordinance 811. On August 16, 2012 a site plan was approved for an 822,804 square foot distribution center to be located on Parcel 1. The Future Land Use Designation for Parcels 9 & 10 was changed to the Village's Commercial (COM) Land Use Designation on April 3, 2014 through the adoption of Ordinance 896. A request to rezone these parcels to the General Commercial (CG) Zoning District was approved on May 15, 2014 through the adoption of Ordinance 897. A Site Plan and Variance for the rear building setback was approved on May 15, 2014 through the adoption of Resolution 14-03 and Variance Order VC-14-01 respectively.

V. Analysis:

The applicant is requesting a Site Plan Modification and Architectural Approval for a 1,416 square foot expansion (south side of the building) to an existing 17,018 square foot "Grocery store" on Parcels 9 & 10 of the Aldi Park Subdivision. The request also includes the reconfiguration of the parking lot to eliminate the access on ALDI Way; eliminate a row of parking spaces; add a row of parking spaces along the north property line; and add a perpendicular landscape strip in the area where the parking spaces were eliminated. For an illustration of the Site/Landscape Plan showing proposed configuration please refer to **Attachment C**. For an illustration of the currently approved Site Plan please refer to **Attachment D** and for an illustration of the proposed Architecture please refer to **Attachment E**.

In reviewing this petition, Village staff considered conformity with Chapter 26 of the Village's Code of Ordinances. Specifically, the proposed project meets the requirements for the General Commercial (CG) Zoning District; as outlined below:

- 1. Parcel size: The parcel is 2.274 acres and exceeds the minimum area required for General Commercial (CG) designated property of 40,000 square feet.
- 2. Parcel width: The parcel meets or exceeds the minimum parcel width of 150 feet of frontage.
- 3. Setbacks: The proposed "Grocery store" meets all required setbacks with the exception of the rear setback which was approved for a reduced rear setback through the adoption of Variance Order VC-14-01.

4. Pervious area: The site plan provides 25% of the site as pervious area which exceeds the minimum pervious area requirement of 25% of the site required by Village Code.
5. Parking Requirements: The proposed use requires 92 parking spaces and 92 parking spaces have been provided.
6. Landscape Areas: The proposed landscape plan complies with Village Code requirements for landscaping. For an illustration of the Landscape Plan please refer to **Attachment D**.
7. Maximum Building Height: The proposed building will have a maximum height of 23 feet and 2 inches. This height is permitted by Village Code.
8. Access Points: Access to the site will be provided at 2 locations: A right turn in / right turn out will be provided at the south end of the property along the west side of the building along State Road 7 and a full movement access point at the west side of the building via the access road.

Overall, the proposed site plan is in conformance with the Village's requirements for the General Commercial (CG) Zoning District with the exception of the items noted above.

VI. Disposition Options:

Recommend: Approval of the application;

Approval of the Application with conditions; or

Denial of the application

VII. Staff Recommendation:

Staff is recommending Approval of Application 20-64 (SPM, AAR) through the adoption of Resolution 21-05.

VIII. Hearing History:

Planning and Zoning Commission:

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

**Attachment A
Legal Description
Aldi
20-64 (SPM, AAR)**

LEGAL DESCRIPTION:

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Aldi
20-64 (SPM, AAR)

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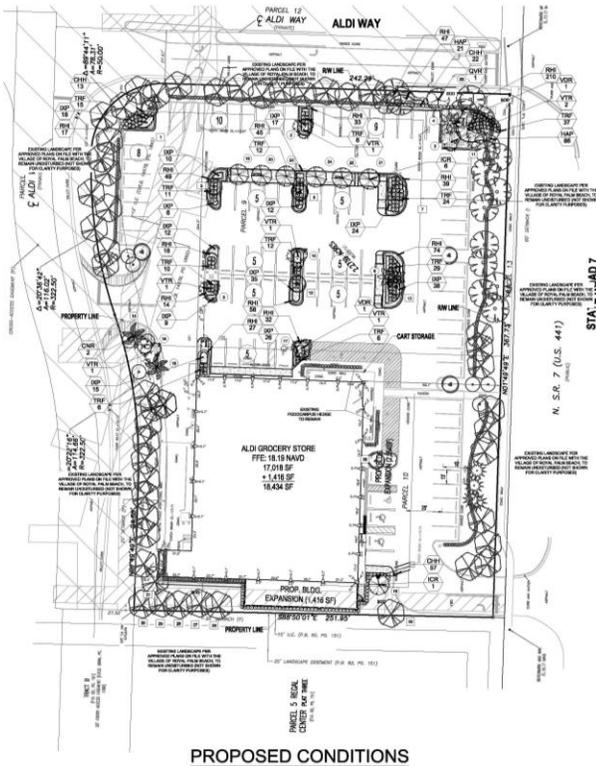
- G. All shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, but must be maintained at no less than thirty-six inches (36) in height.
- H. The practice of “hat racking” defined as the severe cutting back of branches, making internodal 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.
- I. All exotic invasive species of plants shall be removed from the site prior to issuance of the Certificate of Occupancy

Attachment C Site/Landscape Plan Aldi 20-64 (SPM, AAR)

Directly below is an illustration of the Site/Landscape Plan showing the expansion to the south side of the building; the reconfiguration of the parking lot to eliminate the access on ALDI Way, eliminate a row of parking spaces, add row of parking spaces along the north property line, and add a perpendicular landscape strip in the area where the parking spaces were eliminated.

EXISTING IRRIGATION SYSTEM TO BE FIELD MODIFIED TO CONFORM TO NEW GREEN AREAS. CUT/CAP/RE-ROUTE WHERE NECESSARY.

PLEASE REFER TO SHEET L-1.0 FOR TREE SPECIFICATION PLAN AND SHEET L-2.1 FOR LANDSCAPE GENERAL NOTES



PLANT SCHEDULE

TREES	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	CALIBER	HEIGHT	SPREAD	NATIVE	XERIC	REMARKS
CHR	2	Coccothru Palm	Coccothru lucidus	NA	NA	As Noted on Sheet L-1.0	As Noted on Sheet L-1.0	No	Medium	
CR	7	Dalman Holly	Ilex dalmanii	NA	NA	As Noted on Sheet L-1.0	As Noted on Sheet L-1.0	Yes	High	Revegetated
QWR	1	Southern Live Oak	Quercus virginiana	NA	3.0"	As Noted on Sheet L-1.0	6.0'	Yes	High	Revegetated
VDR	2	Montgomery Palm	Washingtonia rooseae	NA	NA	18 ft.	18 ft.	No	Medium	Revegetated
VDR	7	Montgomery Palm	Washingtonia rooseae	NA	NA	18 ft.	18 ft.	No	Medium	Revegetated

SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	SPACING	HEIGHT	SPREAD	NATIVE	XERIC	REMARKS
CHR	14	Star 'N' Cordonia	Cordia alliodora 'Star 'N'	1"	36"	36"	24"	Yes	High	Full to base
TRF	168	Desert Ficus	Ficus microcarpa	1/8"	24"	18-24"	18-24"	Yes	High	

SHRUB AREAS	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	SPACING	HEIGHT	SPREAD	NATIVE	XERIC	SPACING	REMARKS
HAP	107	Desert Fire Bush	Hemifolia patens 'compacta'	1/8"	24"	18-24"	18-24"	Yes	High	24" o.c.	Full to base
HSP	228	Desert Red Yucca	Yucca elata 'Red Yucca'	1/8"	18"	15-18"	15-18"	No	Medium	18" o.c.	
HRT	863	Indigo Bush	Phacelia indica	1/8"	18"	15-18"	15-18"	No	High	18" o.c.	

NOTE: ALL EXISTING TREES, PALMS AND PLANTING BEDS THROUGHOUT THE SITE SHALL BE MULCHED AND FERTILIZED WITH A GENERAL FERTILIZER (8-2-12) AND A PALM ORNAMENTAL TREE FERTILIZER (13-3-13) OR SIMILAR AT THE RECOMMENDED RATES AND AMOUNTS.

NOTE: ALL EXISTING SOIL DAMAGED DURING CONSTRUCTION SHALL BE RESTORED TO ITS ORIGINAL CONDITION.

Digitally signed by Michael D Grosswrith
DN: cn=US, o=THOMAS ENGINEERING GROUP LLC, ou=A01410C000007220E1831F0000EEEC, c=Michael D Grosswrith
Date: 2020.07.31 08:36:49 -0400

