

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 21-15 (SE) AN APPLICATION BY DUNAY, MISKEL AND BACKMAN, LLP AND ADOPTION OF RESOLUTION 21-15 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SPECIAL EXCEPTION USE APPROVAL IN ORDER TO EXPAND AN EXISTING “AUTOMOTIVE SERVICE STATION” USE AT THE COSTCO SITUATED WITHIN THE SOUTHERN PALM CROSSING SHOPPING CENTER LOCATED AT 11001 SOUTHERN BOULEVARD; BY SCOTT BACKMAN, ESQ., DUNAY, MISKEL AND BACKMAN, LLP.**

**Issue:**

The Applicant is seeking Special Exception use approval in order to expand an existing “Automotive Service Station” use by expanding from six (6) pumps to nine (9) pumps for a total of 18 fueling stations at Costco located within the Southern Palm Crossing Shopping Center located at 11001 Boulevard.

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

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	6-17-2021	Action

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

This item was considered by the Planning and Zoning Commission at its regular meeting on May 25, 2021 and was recommended for Approval by a vote of 5-0.

**Recommended Action:**

Staff is recommending Approval of Application 21-15 (SE) and Resolution 21-15.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	6-17-2021	Action

**RESOLUTION NO. 21-15**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 21-15(SE) – THE APPLICATION OF DUNAY, MISKEL AND BACKMAN, LLP ON BEHALF OF IVT SOUTHERN ROYAL PALM BEACH 1031, LLC - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE IN ORDER TO EXPAND AN EXISTING “AUTOMOTIVE SERVICE STATION” USE AT THE COSTCO SITUATED WITHIN THE SOUTHERN PALM CROSSING SHOPPING CENTER, LOCATED AT 11001 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. 21-15(SE) was presented to the Village Council at its public hearing conducted on June 17, 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. 21-15(SE), THE APPLICATION OF DUNAY, MISKEL AND BACKMAN, LLP, 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 June, 2021.

VILLAGE OF ROYAL PALM BEACH

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MAYOR FRED PINTO

ATTEST:

(SEAL)

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DIANE DISANTO, VILLAGE CLERK

**Exhibit A  
Legal Description  
Costco @ Southern Palm Crossing  
Application 21-15(SE)  
Res. 21-15**

**LEGAL DESCRIPTION:**

LEGAL DESCRIPTION:

TRACT A, OF THE PLAT OF SOUTHERN PALM CROSSING, ACCORDING TO THE PLAT THEREOF RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY IN PLAT BOOK 107 PAGES 185 THROUGH 188.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ALL PERTINENT MATTERS OF RECORD

**Attachment B**  
**Conditions of Approval**  
**Costco @ Southern Palm Crossing**  
**Application 21-15(SE)**  
**Res. 21-15**

**1. Development Order:**

This development order constitutes approval for:

A Special Exception Use Approval for a "Automotive service station" to expand an existing "Automotive Service Station" from six (6) pumps to nine (9) pumps for a total of 18 fueling stations at the Costco located within the Southern Palm Crossing Shopping Center at 11001 Southern Boulevard.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All other conditions imposed by previous approvals shall remain in full force and effect unless specifically modified herein.