

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 21-13 (SPM, AAR) AN APPLICATION BY DUNAY, MISKEL AND BACKMAN, LLP AND ADOPTION OF RESOLUTION 21-14 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN MODIFICATION APPROVAL TO EXPAND AN EXISTING “AUTOMOTIVE SERVICE STATION” 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 AT 11001 SOUTHERN BOULEVARD; BY SCOTT BACKMAN, ESQ., DUNAY, MISKEL AND BACKMAN, LLP.**

**Issue:**

The Applicant is seeking a Site Plan Modification and Architectural Approval to expand an existing “Automotive Service Station” 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 Southern Boulevard in the General Commercial (CG) Zoning District.

The Applicant is also proposing to extend the canopy northward to accommodate the additional gas pumps; relocate the existing kiosk farther south to accommodate the larger gas canopy; modify the parking area to accommodate the expansion of the gas canopy and relocation of the kiosk; and reconfigure the curbing at the northeast corner of the gas station queuing area to accommodate additional stacking. Additionally, the Applicant has agreed to an Engineering Department request to add curbing creating a median within the Lamstein Lane right-of-way limiting left turn in and left turn out vehicular movement at the southernmost entrance off of Lamstein Lane.

It should be noted that the Site Plan Modification request relies upon the approval of a Parking Variance and Special Exception approval to expand the automotive service station use on the property. These requests occur in previous items on the meeting agenda.

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

The Planning and Zoning Commission considered the application on May 25, 2021, and recommended Approval by a vote of 5-0.

**Recommended Action:**

Staff is recommending Approval of Application 21-13 (SPM, AAR), through the adoption of Resolution 21-14.

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

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**RESOLUTION NO. 21-14**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 21-13 (SPM, AAR) – THE APPLICATION OF DUNAY, MISKEL AND BACKMAN, LLP ON BEHALF OF IVT SOUTHERN ROYAL PALM BEACH 1031, LLC - PERTAINING TO A SITE PLAN MODIFICATION AND ARCHITECTURAL APPROVAL TO EXPAND AN EXISTING “AUTOMOTIVE SERVICE STATION” 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 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. 21-13 (SPM, AAR) 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, THAT APPLICATION NO. 21-13 (SPM, AAR), THE APPLICATION OF DUNAY, MISKEL AND BACKMAN, LLP ON BEHALF OF IVT SOUTHERN ROYAL PALM BEACH 1031, 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 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 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 No. 21-13 (SPM, AAR)**  
**Res. 21-14**

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.

**Exhibit B**  
**Conditions of Approval**  
**Costco @ Southern Palm Crossing**  
**Application 21-13 (SPM, AAR)**  
**Res. 21-14**

**1. Development Order:**

This development order constitutes approval for: Site Plan Modification and Architectural Approval 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 prior conditions of approval remain in full force and effect unless specifically modified herein.

**2. Site Specific Conditions:**

- A. The Applicant shall construct a median within Lamstein Lane right-of-way limiting left turn in and left turn out vehicular movement at the southernmost entrance off of Lamstein Lane.
- B. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- C. Dumpster pads will be sloped to drain onto a pervious area.
- D. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- E. The site shall be maintained free of all trash at all times.

**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 Sec. 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 three (3) sets of final plans and one (1) electronic copy 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. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. 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 two (2) sets of 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.
- 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 commencement of installing the required landscaping.





# Village of Royal Palm Beach - Staff Report

## I. General Data:

Project Name: Costco @ Southern Palm Crossing Shopping Center

Application: 21-13 (SPM, AAR)

Owner: IVT Southern Royal Palm Beach 1031, LLC  
3025 Highland Parkway, Suite 350  
Downer Grove, IL 60515

Agent: Dunay, Miskel and Backman, LLP  
Scott Backman, Esq.  
14 SE 4<sup>th</sup> Street, Suite 36  
Boca Raton, FL 33432

Request: Site Plan Modification and Architectural Approval to expand an existing "Automotive Service Station" 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 at 11001 Southern Boulevard in the General Commercial (CG) Zoning District.

Hearings: Planning and Zoning Commission: May 25, 2021  
Village Council: June 17, 2021

Recommendation: Approval

## II. Site Data:

Site Area: 49.951± acres

Property Control Number: 72-41-43-35-10-001-0000

Existing Land Use: Commercial

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

<b>Table 1: Adjacent Existing, Future Land Uses, and Zoning</b>			
<b>Dir.</b>	<b>Existing:</b>	<b>FLUM:</b>	<b>Zoning:</b>
<i>North</i>	Seminole Palms Park	Open Space (OS)	Public Ownership (PO)
<i>South</i>	Wellington	Residential	Residential
<i>East</i>	Queen of Peace Cemetery	Open Space (OS)	Private Recreation (PR)
<i>West</i>	Royal Palm Commerce	Industrial (IND)	General Industrial (IG)

Directly Below is an Illustration showing the location of the Site.



### **III. Intent of Petition:**

The Applicant is seeking a Site Plan Modification and Architectural Approval to expand an existing “Automotive Service Station” 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 Southern Boulevard in the General Commercial (CG) Zoning District.

### **IV. History:**

The subject property is located on the northwest corner of Southern Boulevard and Lamstein Lane. The Southern Palm Crossing Shopping Center has received a valid Development Order and is currently developing according to their Master Plan approval that they received on May 5, 2005. The Master Plan indicates a commercial shopping center containing 348,196 square feet of building area. The site plan approval currently includes two other Special Exception approvals to allow for two (2) “Financial institutions with drive through”.

### **V. Analysis:**

The Applicant is seeking a Site Plan Modification and Architectural Approval to expand an existing “Automotive Service Station” 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 at 11001 Southern Boulevard in the General Commercial (CG) Zoning District. For an illustration of the Site Plan please refer to **Attachment C** and for an illustration of the Landscape Plan please refer to **Attachment D**.

The Applicant is also proposing to extend the canopy northward to accommodate the additional gas pumps; relocate the existing kiosk farther south to accommodate the larger gas canopy; modify the parking area to accommodate the expansion of the gas canopy and relocation of the kiosk; and reconfigure the curbing at the northeast corner of the gas station queuing area to accommodate additional stacking. Additionally, the Applicant has agreed to an Engineering Department request to add curbing creating a median within the Lamstein Lane right-of-way limiting left turn in and left turn out vehicular movement at the southernmost entrance off of Lamstein Lane.

It should be noted that the Site Plan Modification request relies upon the approval of a Parking Variance and Special Exception approval to expand the automotive service station use on the property. These requests occur in previous items on the meeting agenda.

In reviewing this petition, Village Staff considered conformity with the Village of Royal Palm Beach Zoning Code of Ordinances pertaining to the General Commercial (CG) zoning district and Sec. 26-61 Planned Commercial Developments. Specifically, the proposed project meets the requirements for the CG-zoning district as follows:

1. Parcel size: The site contains 49.95± acres, which exceeds the minimum area required for the General Commercial (CG) Zoning District of 40,000 square feet.
2. Parcel width: The site is 2,193 feet wide, which exceeds the minimum parcel width of 150 feet of frontage.
3. Setbacks: The proposed buildings conform to the design standards for this zoning district.
4. Pervious area: The proposed Site Plan meets or exceeds the pervious area requirements.
5. Parking Requirements: The Applicant is proposing to provide 1,752 parking spaces where Village Code Section 23-51 (2)(s) and Variance Order VC-09-04 requires a total of 1,764 parking spaces. A variance to this requirement to allow for a reduction of parking spaces has been requested and is part of a previous item on this meeting's agenda.
6. Landscape Areas: The site provides a 25-foot landscape buffer along Southern Boulevard and Lamstein Lane, and meets or exceeds all other landscape requirements.
7. Maximum Building Height: The proposed buildings do not exceed the maximum height regulations of the General Commercial (CG) Zoning District.

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

**VI. Disposition Options:**

Recommend: Approval of the application;  
Denial of the application.

**VII. Staff Recommendation:**

Staff is recommending Approval of Application 21-13 (SPM, AAR), through the adoption of Resolution 21-14.

**VIII. Hearing History:**

*Planning and Zoning Commission:*

The Planning and Zoning Commission considered the application on May 25, 2021, and recommended Approval by a vote of 5-0.

**Attachment A  
Legal Description  
Costco @ Southern Palm Crossing  
21-13 (SPM, AAR)  
Resolution No. 21-14**

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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.
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- I. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.





