

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 21-82 (SE), AN APPLICATION BY NELSON POSADA FROM GENTLY BIRTH CENTER AND OBGYN, AND ADOPTION OF RESOLUTION NO. 22-08 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SPECIAL EXCEPTION USE APPROVAL FOR A “BIRTHING CENTER” FOR A PROPERTY LOCATED AT 1490 ROYAL PALM BEACH BOULEVARD.

Issue:

The applicant is seeking Special Exception Use Approval to establish a “Birthing Center” in a commercial building zoned Office Commercial (CO) and located at 1490 Royal Palm Beach Boulevard, in the Village Professional Park. The “Birthing Center” use is listed as a Special Exception Use within the Office Commercial (CO) Zoning District. The Birthing Center will occupy the entire 3,200 square feet one-story building that is depicted in **Attachment B**.

In reviewing the proposed Special Exception, 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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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 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 Office Commercial Zoning District. Staff has determined that the proposed Special Exception use conforms to Village standards.

On August 18, 2021, Village Council approved a Zoning Code Text Amendment to allow "Birthing Center" as a Special Exception use within the Office Commercial (CO) Zoning District.

The Planning and Zoning Commission considered the application on March 22, 2022, and recommend Approval by a vote of 4-0.

Recommended Action:

Staff is recommending Approval of Application No. 21-82 (SE) with the Conditions of Approval listed below in **Attachment A** and Resolution 22-08 (Attachment B).

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Attachment A Conditions of Approval

1. Development Order:

This development order constitutes approval for:

Special Exception use approval for a 3,200 square feet “birthing center” located at 1490 Royal Palm Beach Boulevard for Gentle Birth Center OBGYN LLC.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

2. Site Specific Conditions:

- a. This Special Exception use approval shall become null and void should the operator, Gentle Birth Center OBGYN LLC, cease operation at this location.

3. Standard Conditions:

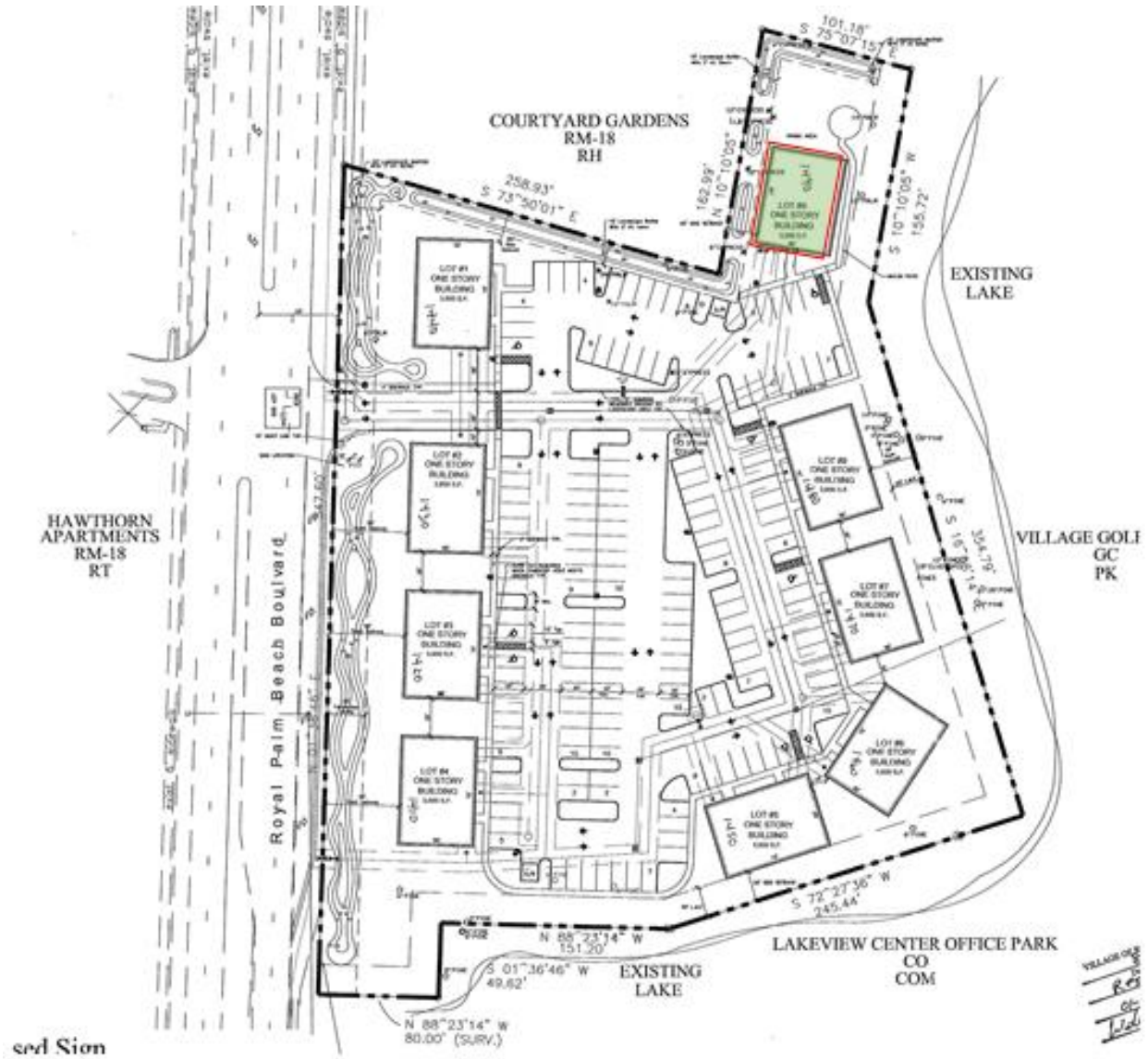
- a. This Special Exception approval shall expire one (1) year from the date of Council approval unless development is commenced within that time frame or appropriate applications for extensions are submitted pursuant to Section 26-66 of the Village Code or Ordinances. In no case shall the approval be extended beyond code-established time frames.
- b. Failure of the Applicant 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 and approvals. Failure to commence development in a timely manner may also result in the revocation of the development approval.
- c. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

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Attachment B

Site Plan Showing Location of the Birthing Center (Lot 9)

Directly Below is the Site Plan for Village Professional Park and the location of the proposed Birthing Center on Lot 9 (highlighted in green):



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Z:\Project Files 12-11-02\Village Professional Park (01-03)\21-82 (SE) Birthing Center - LOT 9\Board Documents\AIS & Staff Report\Agenda Item Summary\21-82 (SE) Birthing Center Agenda Item VC.doc

RESOLUTION NO. 21-08

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 21-82(SE) - THE APPLICATION OF NELSON POSADA - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A "BIRTHING CENTER" LOCATED AT 1490 ROYAL PALM BEACH 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. 21-82(SE) was presented to the Village Council at its public hearing conducted on April 21, 2022; 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. 21-82(SE), THE APPLICATION OF NELSON POSADA, 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 21st day of April, 2022.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Birth Center @ 1490 Royal Palm Beach Boulevard
Application 21-82(SE)
Res. 21-08

LEGAL DESCRIPTION:

LOT 9, PLAT OF VILLAGE PROFESSIONAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 104, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

Attachment B
Conditions of Approval
Birthing Center @ 1490 Royal Palm Beach Boulevard
Application 21-82(SE)
Res. 21-08

1. Development Order:

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Special Exception use approval for a 3,200 square feet “birthing center” located at 1490 Royal Palm Beach Boulevard for Gentle Birth Center OBGYN LLC.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

2. Site Specific Conditions:

- a. This Special Exception use approval shall become null and void should the operator, Gentle Birth Center OBGYN LLC, cease operation at this location.

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- a. This Special Exception approval shall expire one (1) year from the date of Council approval unless development is commenced within that time frame or appropriate applications for extensions are submitted pursuant to Section 26-66 of the Village Code or Ordinances. In no case shall the approval be extended beyond code-established time frames.
- b. Failure of the Applicant 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 and approvals. Failure to commence development in a timely manner may also result in the revocation of the development approval.
- c. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.