



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

Agenda Item:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 887 AND APPLICATION NO. 17-0071 (SCPA), AN APPLICATION BY COTLEUR & HEARING. THE APPLICANT IS SEEKING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO CHANGE THE USE DESIGNATION FOR A PARCEL OF LAND TOTALING 5.55± ACRES, MORE OR LESS, FROM THE OPEN SPACE (OS) FUTURE LAND USE DESIGNATION TO THE COMMERCIAL (COM) LAND USE DESIGNATION, LOCATED AT 10701 OKEECHOBEE BOULEVARD. BY AGENT: DONALDSON HEARING, OF COTLEUR & HEARING.

Issue:

The Applicant is seeking a Small Scale Future Land Use Map Amendment to amend the Future Land Use Designation of 5.55 acres of land from the Open Space (OS) Future Land Use Designation to the Commercial (COM) Future Land Use Designation. This site is currently vacant. The Applicant has indicated in their justification statement that the ultimate goal is to develop the property to operate in conjunction with the First Baptist church to the west.

Overall, the proposed site is in conformance with the Village’s requirements for the Commercial (COM) Future Land Use Designation. All future submittals for this site will be subject to the Commercial (COM) Future Land Use Designation, and General Commercial (CG) Zoning District Development Standards, and the Deed Restrictions and Reverter Clause for the site (ORB 29564/PG 705; and ORB 30338/PG 400), and will follow the Village’s review process to ensure compliance.

The Local Planning Agency considered the application on April 23, 2019, and recommended Approval by a vote of 5-0.

The Village Council considered Ordinance 887 on first reading on May 16, 2019, and recommended Approval by a vote of 5-0.

Recommended Action:

Staff recommends Approval of Application 17-0071 (SCPA) and adoption of Ordinance 887 on Second reading.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	06-20-2019	Action

ORDINANCE NO. 887

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3187, ET SEQ., FLORIDA STATUTES, PURSUANT TO A PRIVATELY INITIATED APPLICATION # 17-0071(SCPA) WHICH PROVIDES FOR AN AMENDMENT TO THE VILLAGE FUTURE LAND USE MAP DESIGNATING 5.55 ± ACRES, MORE OR LESS, OF REAL PROPERTY AS “COM—COMMERCIAL”; WHICH PROPERTY IS LOCATED AT 10701 OKEECHOBEE BOULEVARD, INFORMALLY KNOWN AS LOT 1 OF THE CAPSTONE AT ROYAL PALM PLAT; FURTHER PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the Village of Royal Palm Beach, Florida, has received privately initiated application #17-0071(SCPA) requesting a small scale amendment to the Village’s Comprehensive Development Plan which meets all the requirements of a “small scale” development as defined in Section 163.3187(1), Florida Statutes; and

WHEREAS, the Village of Royal Palm Beach, Florida, has carefully prepared an amendment to its comprehensive development plan in order to adopt a map amendment concerning a proposed Commercial (COM) land use designation; and

WHEREAS, the Village of Royal Palm Beach has held all duly required public hearings; both prior to submission of the proposed amendment of the plan to the State Department of Economic Opportunity and after the proposed amendment of the plan was returned to the Village of Royal Palm Beach, in accordance with Chapter 163.3187, Florida Statutes; and

WHEREAS, the Village Council desires to adopt the amendment to the current comprehensive development plan to guide and control the future development of the Village, and to preserve, promote and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village of Royal Palm Beach Comprehensive Plan is hereby amended by adopting this amendment to its current Comprehensive Development Plan dated July 4, 2009. This amendment specifically changes the land use designation for one (1) parcel of property from the Village Open Space (OS) future land use designation to the Village Commercial (COM) future land use designation, and further amends the Village's Future Land Use Map accordingly. Said parcel comprises approximately 5.55 ± acres, more or less, and is more particularly described on the attached Exhibit "A." The amended Village Future Land Use Map, which shows the new land use designation for this parcel, is attached hereto as Exhibit "B" and made a part hereof and of the current comprehensive development plan.

Section 2: A copy of the Comprehensive Development Plan, as amended, is on file in the office of the Village Clerk, Village of Royal Palm Beach, Florida.

Section 3: The Village's Planning and Zoning Director is hereby directed to transmit one (1) copy of the amendment to the current Comprehensive Development Plan to the State Land Planning Agency along with a letter indicating the number of acres for the amendment submitted, the cumulative number of acres involved in small scale developments within the Village of Royal Palm Beach that the Village Council has approved during the past calendar year, a copy of the executed adopting ordinance and the Future Land Use Map, in color format, depicting the subject property, and the ordinance effective date.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: The effective date of this plan amendment shall be thirty-one (31) days following adoption of this Ordinance by the Village of Royal Palm Beach. If timely challenged, this amendment does not become effective until the State Land Planning Agency or the Administration Commission issues a final order determining the small scale development amendment is in compliance pursuant to Sec. 163.3187(5)(c), *Florida Statutes*. No development

orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

FIRST READING this 16th day of May, 2019.

SECOND AND FINAL READING this 20th day of June, 2019.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

EXHIBIT A
LEGAL DESCRIPTION

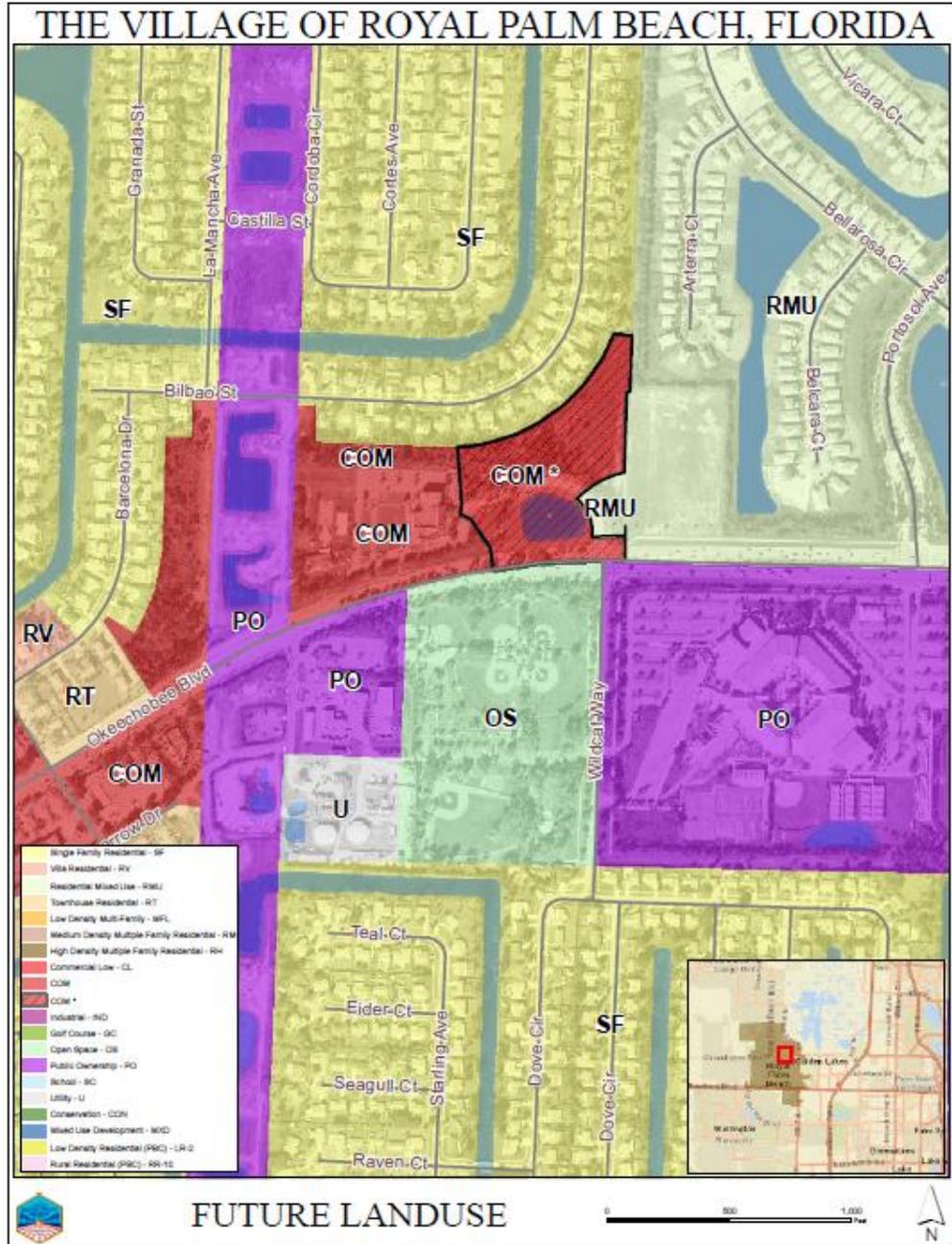
DESCRIPTION: LANDS SURVEYED

LOT 1, CAPSTONE AT ROYAL PALM, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 125, PAGES 13 AND 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LYING IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 41 EAST, THE VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 241,836 FEET/ 5.5518 ACRES, MORE OR LESS

EXHIBIT B
 VILLAGE'S REVISED FUTURE LAND USE MAP





Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: First Baptist Church of Royal Palm Beach

Application: 17-0071 (CPA) (Ord. No. 887)

Applicant: Donaldson Hearing
Cotleur & Hearing
1934 Commerce Lane, Suite 1400 Columbia Drive, Suite 110
West Palm Beach, FL 33409

Request: A Small Scale Comprehensive Plan Amendment to amend the Future Land Use Designation of a 5.55 acre parcel of land from the Open Space (OS) Land Use Designation to the Commercial (COM) Land Use Designation, located at 10701 Okeechobee Boulevard.

Hearings: Planning and Zoning Commission: April 23, 2019
Village Council (First Reading): May 16, 2019
Village Council (Second Reading): June 20, 2019

Recommendation: Approval

II. Site Data:

Site Area: 5.55 ± acres

Property Control Numbers: 72-41-43-24-09-000-0010

Existing Land Use: Vacant

Existing FLUM Designation: Open Space (OS)

Proposed FLUM Designation: Commercial (COM)

Existing Zoning District: Townhouse Residential (RT-8)

Proposed Zoning: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
<i>North</i>	La Mancha Subdivision	Single Family Residential	Single Family Residential (RS-2)
<i>South</i>	Public Park	Open Space (OS)	Public Ownership (PO)
<i>East</i>	Hunt Midwest	Residential Mixed Use (RMU)	Residential Mixed Use (RMU)
<i>West</i>	First Baptist Church	Commercial (COM)	General Commercial (CG)



Figure 1: Location Map

III. Intent of Petition:

The Applicant is seeking a Small Scale Future Land Use Map Amendment to amend the Future Land Use Designation of 5.55 acres of land from the Open Space (OS) Future Land Use Designation to the Commercial (COM) Future Land Use Designation. This site is currently vacant. The Applicant has indicated in their justification statement that the ultimate goal is to develop the property to operate in conjunction with the First Baptist church to the west.

IV. History:

This parcel of land is currently part of the Capstone at Royal Palm Plat. This parcel of land was previously owned by the Village, and was transferred to Royal Palm Beach SLP, LLC on December 29, 2017. The parcel was subsequently transferred to the First Baptist Church of Royal Palm Beach, Florida, Inc. on December 31, 2018.

V. Analysis:

The Applicant is seeking a Small Scale Future Land Use Map Amendment to amend the Future Land Use Designation of 5.55 acres of land from the Open Space (OS) Future Land Use Designation to the Commercial (COM) Future Land Use Designation. This site is currently vacant. The Applicant has indicated in their justification statement that the ultimate goal is to develop the property to operate in conjunction with the First Baptist church to the west.

In reviewing the proposed Future Land Use Map Amendment designating the parcels as Commercial (COM), Village Staff considered compatibility with adjacent land uses, consistency with the Village's Comprehensive Plan, and concurrency related issues.

The Applicant asserts that the proposed Land Use Plan Amendment is consistent with the Village of Royal Palm Beach's Comprehensive Plan and Section 26-32 (f) (2) b. The Applicant has provided narratives demonstrating consistency with certain portions of the Comprehensive Plan and Section 26-32 (f) (2) b. of the Village's Code of Ordinances and they are as follows:

Consistency with Section 26-32 (f) (3) b.

1. *If the action requested will contribute to a condition of public hazard as described in the sanitary sewer, solid waste, drainage, and potable water sub elements of the comprehensive plan;*

The proposed development meets all level of service requirements for this Land Use Change. Letters from the appropriate service providers verifying services are available to the site. The applicant in the Justification Statement states that as part of the development of the site all public services will be in place prior to approval of the site plan and civil plans.

2. *If action requested will exacerbate any existing public facility capacity deficits as described in the traffic circulations elements; sanitary sewer, solid waste, drainage, portable water element and recreation and open space element of the comprehensive plan.*

Attached to the application are the following document(s) which confirm that capacity and services are available to serve the proposed development:

Traffic Circulation Element- A Traffic Performance Standards Ordinance Letter issued by Palm Beach County dated 10/18/2018 states that this project meets the Traffic Performance Standards of Palm Beach County;

Solid Waste- Solid waste services are contracted by the Village of Royal Palm Beach for all properties located within the Village. The project will be serviced by the solid waste provider for solid waste services. The applicant has provided a letter from the Solid Waste Authority confirming available landfill capacity.

Drainage- The "Storm Water Management Confirmation" evaluation dated Drainage Statement" prepared by Engenuity Group, Inc. dated November 26, 2014 which confirms that the drainage design will address the drainage demands for the subject site in compliance with the Village requirements.

The action requested will not exacerbate any existing public facility capacity deficits as provided in the traffic circulations elements; sanitary sewer, solid waste, drainage, portable water element of the comprehensive plan. Capacity has been confirmed and infrastructure needed to serve the proposed development will be in place prior to or provided concurrently with development of the subject site.

3. *If the action requested will generate public facility demands that may be accommodated by capacity increases planned in the five-year schedule of improvements established by the comprehensive plan.*

The action requested will not generate public facility demands that will affect capacity increases in the five year plan as it relates to sanitary sewer, solid waste, drainage, portable water element. Please refer to the documents referenced above in the response to item number 2 and included with this request which confirms capacity and service for the proposed development.

4. *If the action requested conforms with future land uses as shown on the future land use map of the future land use element of the comprehensive plan.*

The proposed General Commercial (CG) Zoning District will be consistent with the Directives, Goals, Objectives and Policies of the Village of Royal Palm Beach Comprehensive Plan upon the approval of the Commercial (COM) Land Use Designation.

5. *If public facilities are developer provided, will the action requested accommodate public facility demand based on LOS standards?*

This project meets all Level of Service Standards as demonstrated in #2 above.

6. *If public facilities are provided in part or whole by the Village, is the action financially feasible subject to the capital improvement element of the comprehensive plan.*

Please refer to the documents referenced above in requirement number 2 and included with this request which confirms capacity and service for the proposed development. The developer is required to participate in the proportionate share of any improvement cost necessary and/or provide Infrastructure needed to serve the proposed development.

Consistency with the Comprehensive Plan:

Goal LU-1: A MIX OF COMPATIBLE LAND USES WHICH MEETS THE NEEDS OF THE VILLAGE RESIDENTS, MAINTAINS AND ENHANCES THE COMMUNITY CHARACTER, DOES NOT ADVERSLY IMPACT EXISTING NEIGHBORHOOD AND IS DEVELOPED CONCURRENTLY WITH THE NEEDED INFRASTRUCTURE AND FACILITIES.

The proposed Place of Worship parking and drainage expansion shall be developed to meet the needs of the Village residents, maintain and enhance the community character and will not adversely impact existing neighborhoods.

Objective LU-1.1: DEVELOPMENT ORDERS AND PERMITS FOR DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHALL BE ISSUED ONLY IN THOSE AREAS WHERE SUITABLE TOPOGRAPHY AND SOILS CONDITIONS EXIST TO SUPPORT SUCH DEVELOPMENT.

Suitable topography and soil conditions exist for development of the subject site.

Policy LU-1.1.1: All proposed development shall include a soils analysis prepared by a professional, licensed to prepare such an analysis which shall include the ability of the soil structure to support the proposed development.

Per soil analysis on this parcel, the soils have been altered by regional drainage and surrounding development. The existing soil conditions and topography support the proposed parking development.

Policy LU-1.2.1.: THE DEVELOPMENT OF RESIDENTIAL COMMERCIAL AND INDUSTRIAL LAND SHALL BE TIMED AND STAGED IN CONJUNCTION WITH PROVISIONS OF SUPPORTING COMMUNITY FACILITIES AND SERVICES IDENTIFIED AS BEING REQUIRED SUCH AS:

- a. Potable water;
- b. Sanitary sewers;
- c. Solid waste removal;
- d. Vehicular and pedestrian circulation;
- e. Public Safety;
- f. Recreation;
- g. Public schools;
- h. Electricity.

This project meets all Level of Service Standards as demonstrated in #2 above.

Objective LU-1.3 Future growth and development will be managed through the land development regulations as they are periodically revised.

The proposed Place of Worship parking expansion project shall follow the regulations and standards of the Village of Royal Palm Beach Code.

Policy LU-1.4.3: THE VILLAGE SHALL PROTECT POTABLE WATER, WELLFIELDS AND PRIME AQUIFER RECHARFE AREAS THROUGH THE IMPLEMENTATION OF THE PALM BEACH COUNTY WELLFIELD ORDINANCE.

The site is part of Palm Beach County Wellfield protection zone X500 and shall follow the Wellfield Protection Ordinance. Furthermore the site is not within any wellfield protection zones.

Policy LU-1.4.4: THE DEVELOPER/OWNER OF ANY SITE SHALL BE RESPONSIBLE FOR THE MANAGEMENT OF RUN-OFF CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE DRAINAGE SUB-ELEMENT OF THIS COMPREHENSIVE PLAN.

The developer/owner understands that they are responsible for the management of run-off and will be in compliance with the goals, objectives and policies of the Comprehensive Plan. A Drainage Plan was submitted demonstrating the ability to comply with this Policy.

Policy LU-1.4.6: THE VILLAGE, THROUGH ITS LAND DEVELOPMENT REGULATIONS AND OTHER APPROPRIATE MECHANISM, SHALL REQUIRE THE ERADICATION OF INVASIVE EXOTIC PLANT SPECIES CONCURRENT WITH THE COMMENCEMENT OF DEVELOPMENT OF DEVELOPMENT ACTIVITY.

Currently, there are no invasive exotic plant onsite. However, if any exist, they will be eradicated.

Objective LU-1.5: URBAN SPRAWL SHALL BE DISCOURAGED BY DIRECTING FUTURE GROWTH, DEVELOPMENT AND RE-DEVELOPMENT TO APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP, CONSISTENT WITH: SOUND PLANNING PRINCIPLES, MINIMAL NATUREAL LIMITATIONS; THE GOALS, OBJECTIVES, AND POLICIES CONTAINED WITHIN THIS COMPREHENSIVE PLAN; AND DESIRED COMMUNITY CHARACTER.

The proposed Place of Worship parking expansion is an infill development surrounded by developed residential and commercial uses and will discourage Urban Sprawl.

Policy LU-1.7.2 Regulations for buffering incompatible land uses shall be set forth in the Village's land development regulations.

The proposed Place of Worship parking expansion is compatible with neighboring land uses. A 25' landscape buffer will be added to the north, east, and southwest perimeters.

Overall, the proposed site is in conformance with the Village's requirements for the Commercial (COM) Future Land Use Designation. All future submittals for this site will be subject to the Commercial (COM) Future Land Use Designation, the General Commercial (CG) Zoning District Development Standards, and the Deed Restrictions and Reverter Clause for the site (ORB 29564/PG 705; and ORB 30338/PG 400), and will follow the Village's review process to ensure compliance.

VI. Staff Recommendation:

Staff recommends Approval of Application 17-0071 (SCPA) and adoption of Ordinance 887 on Second reading.

VII. Hearing History:

Planning and Zoning Commission:

The Local Planning Agency considered the application on April 23, 2019, and recommended Approval by a vote of 5-0.

Village Council (First Reading):

The Village Council considered Ordinance 887 on first reading on May 16, 2019, and recommended Approval by a vote of 5-0.

**Attachment A
Legal Description
First Baptist Church of RPB
17-0071 (SCPA)
Ordinance No. 887**

DESCRIPTION: LANDS SURVEYED

LOT 1, CAPSTONE AT ROYAL PALM, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 125, PAGES 13 AND 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LYING IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 41 EAST, THE VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA.

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