

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 22-45 (SE) AN APPLICATION BY BHB INVESTMENT HOLDINGS RPB, LLC, AND ADOPTION OF RESOLUTION 22-32 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SPECIAL EXCEPTION USE APPROVAL TO ALLOW FOR A “RECREATIONAL FACILITIES, COMMERCIAL (OUTDOOR OR INDOOR)” IN ORDER TO OPERATE A SWIM SCHOOL WITHIN THE VILLAGE SHOPPES ON 441 AND LOCATED AT 10109 SOUTHERN BOULEVARD; BY JEFFREY RINGOLD, OF BHB INVESTMENTS HOLDINGS RPB.

Issue:

The Applicant is seeking Special Exception Use approval to allow “Recreational facilities, commercial (outdoor or indoor)” in order to operate a swim school (Gold Fish Swim School), on a property currently constructed and Site Planned as a commercial shopping center (Village Shoppes on 441). The property is situated within the General Commercial (CG) Zoning District and is located at 10109 Southern 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*. Please find below the criteria for approving Special Exceptions and the Applicants response to the criteria:

1. The proposed Special Exception is consistent with the policies and standards of the village comprehensive plan; or

The Applicant states: *“This use is approved under the CG zoning district in Chapter 26 it is listed as a “special exception use for a recreational facility, commercial (outdoor and indoor) therefore it is consistent with the Village Comprehensive Plan.”*

2. The proposed Special Exception complies with all applicable development regulations of the Village Code; or

The Applicant states: *“Yes, the proposed special exception will comply with all applicable development regulations”.*

3. The proposed Special Exception does not have adverse environmental impacts which cannot be prevented by the imposition of conditions; or

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The Applicant states: *"The proposed special exception use will not have any adverse environmental impact"*.

4. The proposed Special Exception does not have adverse vehicular or pedestrian traffic impacts which cannot be prevented by the imposition of conditions; or

The Applicant states: *"The proposed Special Exception will not have any impact on vehicular traffic"*.

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

The Applicant states: *"The proposed special exception is not adding any new building area or creating any activities that would require additional public facilities, (including but not limited Police, Fire Protection, Drainage systems refuse disposal , water, sewers."*

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

The Applicant states: *"This facility will not have any detrimental impact to any properties within the Village or the plaza"*.

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

The Applicant states: *"The proposed special exception is compatible with the uses and characters of the existing commercial establishments in the plaza"*.

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

The Applicant states: *"The proposed special exception is an integral part of a swim school that will occupy a large vacant store front"*.

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

The Applicant states: *"This use will not deter the improvement or development of any adjacent properties, in fact it will enhance the Village Shoppes with another successful business such as Gold Fish Swim School"*.

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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.

The Applicant states: *"None of the proposed improvements associated with the requested special exception use reduces the quantity and quality of light and air available".*

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.

The Planning and Zoning Commission considered the application on October 25, 2022, and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application No. 22-45 (SE) and Resolution No. 22-32.

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RESOLUTION NO. 22-25

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 22-45(SE) - THE APPLICATION OF BHB INVESTMENT HOLDINGS RPB, LLC - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A "RECREATIONAL FACILITIES, COMMERCIAL (OUTDOOR OR INDOOR)" LOCATED AT 10109 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. 22-45(SE) was presented to the Village Council at its public hearing conducted on November 17, 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. 22-45(SE), THE APPLICATION OF BHB INVESTMENT HOLDINGS RPB, 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:

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 November, 2022.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Gold Fish Swim School @ 10109 Southern Boulevard
Application 22-45(SE)
Res. No. 22-32

LEGAL DESCRIPTION:

PARCEL No.1:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST ONE-HALF (E 1/2) OF SAID TRACT 7; THENCE NORTH 88 DEGREES, 07 MINUTES, 11 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST ONE-HALF (E 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 216.34 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86 DEGREES, 25 MINUTES, 20 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 245.73 FEET; THENCE NORTH 00 DEGREES, 34 MINUTES, 13 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 183.95 FEET; THENCE NORTH 88 DEGREES, 07 MINUTES, 11 SECONDS EAST A DISTANCE OF 158.05 FEET; THENCE SOUTH 01 DEGREE, 50 MINUTES, 18 SECONDS WEST A DISTANCE OF 179.82 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE NORTH 86 DEGREES, 25 MINUTES, 20 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS RECORDED IN OFFICIAL RECORDS BOOK 5345, PAGE 595, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01 DEGREE, 33 MINUTES, 47 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 945.44 FEET; THENCE NORTH 01 DEGREE, 33 MINUTES, 58 SECONDS EAST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 151.97 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE SOUTH 89 DEGREES, 03 MINUTES, 43 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID TRACTS 6 AND 7, A DISTANCE OF 960.69 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7 AND THE POINT OF BEGINNING;

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OUT PARCEL 2-A:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACTS 6 AND 7, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00°31'43" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 667.69 FEET; THENCE NORTH 89°28'17" EAST, A DISTANCE OF 435.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°07'24" EAST, A DISTANCE OF 251.00; THENCE SOUTH 00°31'43" EAST, A DISTANCE OF 257.38 FEET; THENCE SOUTH 88°07'24" WEST, A DISTANCE OF 251.00 FEET; THENCE NORTH 00°31'43" WEST, A DISTANCE OF 257.83 FEET TO THE POINT OF BEGINNING.

OUT PARCEL 3-A:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 6, BLOCK 9, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 31'56" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 7, A DISTANCE OF 910.65 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 425.00 FEET OF THE EAST ONE-HALF OF SAID TRACT 7 FOR A POINT OF BEGINNING;

THENCE NORTH 88 DEGREES 07'11" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 400.11 FEET TO A POINT ON THE EAST LINE OF THE WEST 400.00 FEET OF THE EAST ONE-HALF OF SAID TRACT 7; THENCE NORTH 00 DEGREES 31'56" WEST, ALONG SAID EAST LINE, A DISTANCE OF 222.00 FEET; THENCE SOUTH 88 DEGREES 07'11" WEST A DISTANCE OF 367.11 FEET; THENCE SOUTH 43 DEGREES 47'38" WEST A DISTANCE OF 47.21 FEET TO THE SAID EAST LINE OF THE WEST ONE-HALF OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 31'56" EAST, ALONG SAID EAST LINE, A DISTANCE OF 189.00 FEET TO THE POINT OF BEGINNING.

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LEGAL DESCRIPTION:

PARCEL 2:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PART OF TRACT 7, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7; THENCE SOUTH 00 DEGREES, 31 MINUTES, 56 SECONDS EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7, A DISTANCE OF 1264.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND A POINT ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 11496.16 FEET AND WHOSE RADIUS POINT BEARS SOUTH 00 DEGREES, 23 MINUTES, 14 SECONDS WEST; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01 DEGREE, 19 MINUTES, 31 SECONDS, A DISTANCE OF 265.91 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 11422.16 FEET; THENCE WESTERLY, ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01 DEGREE, 07 MINUTES, 48 SECONDS, A DISTANCE OF 225.28 FEET TO THE END OF SAID CURVE AND A POINT ON THE WEST LINE OF SAID TRACT 7; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES, 41 MINUTES, 24 SECONDS WEST, ALONG THE WEST LINE OF SAID TRACT 7, A DISTANCE OF 1259.24 FEET TO THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 89 DEGREES, 03 MINUTES, 43 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 494.65 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 7 AND THE POINT OF BEGINNING.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2, SUPRA, AS SET FORTH IN RECIPROCAL EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 9102, PAGE 1787, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS DESCRIBED THEREIN.

LESS AND EXCEPT FROM THE ABOVE PARCELS 1, 2 AND 3, RIGHT OF WAY OF STATE ROAD 80 AND RIGHTS OF ACCESS, INGRESS AND EGRESS, AS DESCRIBED IN ORDER OF TAKING IN FAVOR OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED DECEMBER 12, 2002 IN OFFICIAL RECORDS BOOK 14451, PAGE 258, RATIFIED AND CONFIRMED BY STIPULATED FINAL JUDGMENT IN OFFICIAL RECORDS BOOK 20922, PAGE 1531, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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PARCEL 4:

THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO A ROAD AND CANAL RIGHT OF WAY OVER AND ACROSS THE SOUTH 55 FEET THEREOF.

Attachment B
Conditions of Approval
Gold Fish Swim School @ 10109 Southern Boulevard
Application 22-45(SE)
Res. No. 22-32

1. Development Order:

This development order constitutes approval for:

A Special Exception Use for an “Recreational facilities, commercial (outdoor or indoor)” located at 10109 Southern Boulevard.

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. This Special Exception use approval shall become null and void should the operator, Gold Fish Swim School cease operations 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 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. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- E. There shall be no outside storage of any equipment or materials related to the operations of the Gold Fish Swim School.
- F. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.