

Agenda Item # R - 1

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-044 (RZ), AN APPLICATION BY HM2V, INC., AND APPROVAL ON SECOND READING OF ORDINANCE NO. 1039. THE APPLICANT IS SEEKING A REZONING APPROVAL TO REZONE A 0.235± ACRE PARCEL FROM THE VILLAGE'S OPEN SPACE (OS) ZONING DISTRICT TO THE INDUSTRIAL GENERAL (IG) ZONING DISTRICT, FOR A PROPERTY LOCATED AT 6846 SEMINOLE PALMS DRIVE. BY AGENT: VINCENT KAHER OF HM2V, INC.

Issue:

The Applicant is seeking a Rezoning Approval to rezone a 0.235± acre parcel from the Village's Open Space (OS) Zoning District to the Industrial General (IG) Zoning District, for a property located at 6846 Seminole Palms Drive. The property is currently vacant. The Applicant has indicated in their Justification Statement that the ultimate goal is to develop the property for the purpose of enlarging the existing Paint Lux facility parking lot. The Justification Statement further states that no storage of any material and or equipment, disabled vehicles of any kind will occur.

Overall, in reviewing the proposed Rezoning to designate the parcel as Industrial General (IG), Village Staff considered compatibility with adjacent land uses; Zoning Code of Ordinances; consistency with the Village's Comprehensive Plan; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space.

The Planning and Zoning Commission considered this application on September 18, 2023 and recommended Approval by a vote of 5-0.

The Village Council considered Ordinance No. 1039 on first reading on September 21, 2023 voted for Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application No. 23-044 (RZ) and Ordinance No. 1039 on Second Reading.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	10/19/23	Action

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Paint Lux Auto Body

Application: 23-044 (RZ) (Ord. No. 1039)

Applicant: HM2V, Inc.
Vincent Kafer
513 US-1 Highway, Suite 110
North Palm Beach, FL 33408

Request: Rezoning Approval to rezone a 0.235± acre parcel from the Village's Open Space (OS) Zoning District to the Industrial General (IG) Zoning District, for a property located at 6846 Seminole Palms Drive.

Hearings: Local Planning Agency: September 18, 2023
Village Council (First Reading): September 21, 2023
Village Council (Second Reading): October 19, 2023

Recommendation: Approval

II. Site Data:

Site Area: 0.235 ± acres

Property Control Number: 72-41-43-35-00-000-7420

Existing Land Use: Vacant Open Space

Existing FLUM Designation: Open Space (OS)

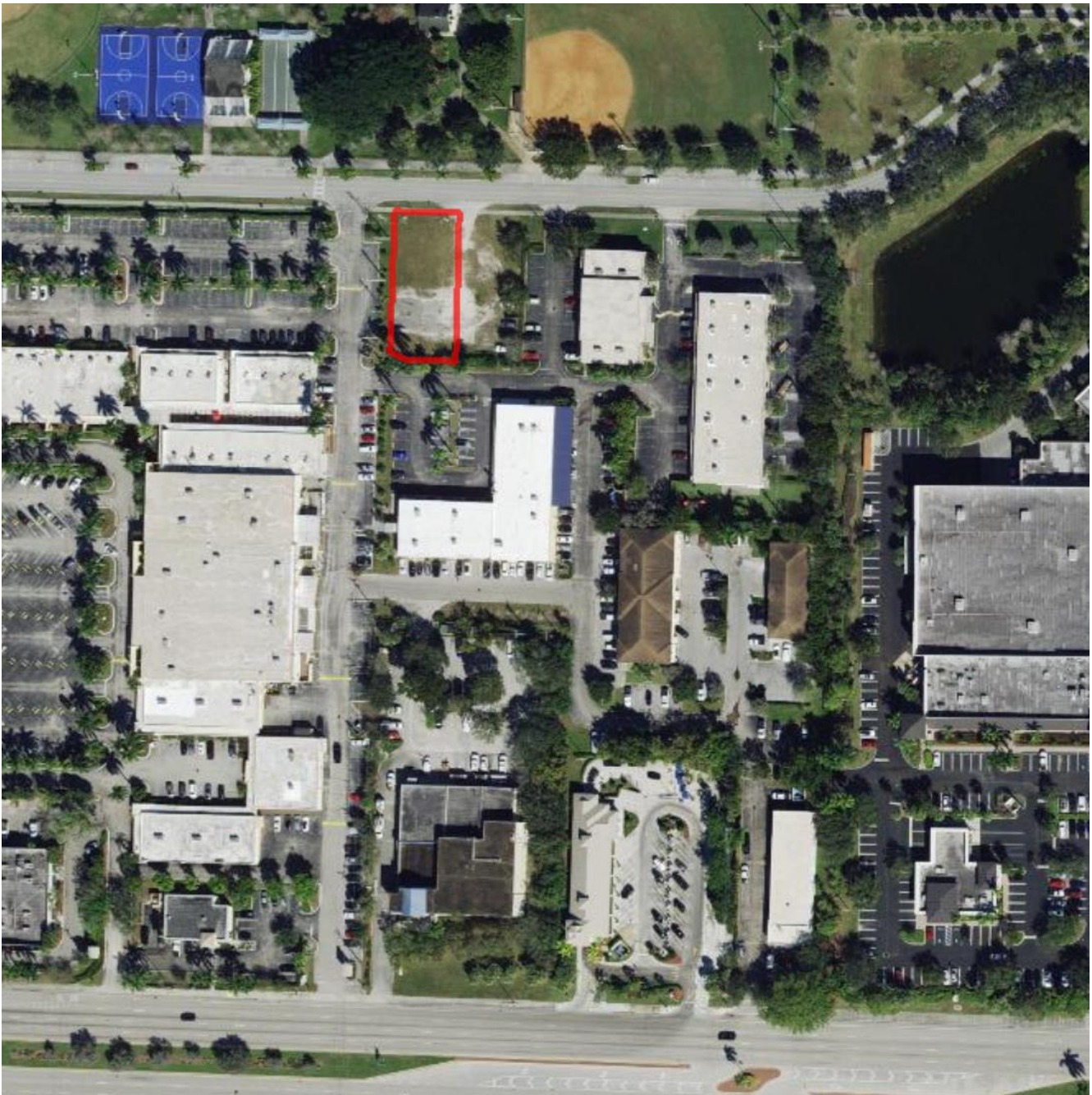
Proposed FLUM Designation: Industrial (IND)

Existing Zoning District: Public Ownership (PO)

Proposed Zoning: Industrial General (IG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	Camellia Park	Open Space (OS)	Public Ownership (PO)
South	Paint Lux Auto Body	Industrial (IND)	Industrial General (IG)
East	Vacant Land	Open Space (OS)	Public Ownership (PO)
West	Royal Plaza	Commercial (COM)	General Commercial (CG)

Directly below is an aerial photograph showing the location and extent of the affected area:



III. Intent of Petition:

The Applicant is seeking a Rezoning Approval to rezone a 0.235± acre parcel from the Village's Open Space (OS) Zoning District to the Industrial General (IG) Zoning District, for a property located at 6846 Seminole Palms Drive. The property is currently vacant. The Applicant has indicated in their Justification Statement that the ultimate goal is to develop the property for enlarging the existing Paint Lux facility parking lot. The Justification Statement further states that no storage of any material and or equipment, disabled vehicles of any kind will occur.

In reviewing the proposed Zoning Map Amendment designating the parcel as Industrial General (IG), Village Staff considered compatibility with adjacent land uses; consistency with the Village's Comprehensive Plan; Zoning Code of Ordinances; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space.

IV. History:

The subject property is located on the south side of Seminole Palms Drive approximately 0.14 miles east of Royal Palm Beach Boulevard at 6846 Seminole Palms Drive. The subject property was owned by the Village of Royal Palm Beach and was recently purchased by AMG Business Enterprises LLC.

It is important to note that within the "Agreement for the Purchase and Sale of Real Property" the terms as to how the property is to be used is outlined in Section 1.03. and as follows:

Section 1.03. Property Information and Buyer's Intended Use: The Buyer intends to incorporate the subject property referred to as the "West Parcel" into its existing "Automobile and/or water craft repair and/or service" facility, located at 500 Royal Plaza Road, Suite D (The "Intended Use"). Also, within Section 1.03. Property Information and Buyer's Intended Use of the agreement, the Buyer acknowledges that in order to develop the Intended Use on this parcel, the Buyer shall be required to obtain development approvals from the Village, Which include: a Comprehensive Plan Amendment to change the Future Land Use Designation, a Zoning Map Amendment (this application), and other subsequent applications to include, a Special Exception approval, Site Plan Modification approval, Architectural and Aesthetic approval, and building permit, collectively referred to as the "Approvals" in the agreement. To-date, the Applicant submitted applications for all required applications stipulated in the said agreement.

V. Analysis:

The Applicant is seeking a Rezoning Approval to rezone a 0.235± acre parcel from the Village's Open Space (OS) Zoning District to the Industrial General (IG) Zoning District, for a property located at 6846 Seminole Palms Drive. The property is currently vacant. The Applicant has indicated in their Justification Statement that the ultimate goal is to develop the property for the purpose of enlarging the existing Paint Lux facility parking lot. The Justification Statement further states that no storage of any material and or equipment, disabled vehicles of any kind will occur.

In reviewing the Zoning Map Amendment designating the parcel as Industrial General (IG), Village Staff considered compatibility with adjacent land uses; Zoning Code of Ordinances; consistency with the Village's Comprehensive Plan; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space. The proposed Site Plan (Draft) is provided in **Attachment B** for your reference.

The Applicant asserts that the proposed Rezoning is consistent with the Village of Royal Palm Beach's Comprehensive Plan and Section 26-32 (f) (3) b. Below are the findings and assertions by the Applicant contained with the application.

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 Applicant asserts, "Community facilities and services are available in the area to sustain the future commercial development proposed by this development. Letters from the appropriate service providers verifying capacity at the proposed location have been included. Further, the future development will be required to provide construction plans for the development infrastructure and pay the appropriate cost or fair share fee guarantee that facilities/services will be provided. Future applications will provide details of the planned facilities and services that will be required for future commercial development as required by this and other applicable Village codes".

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

The Applicant asserts, "The request will not exacerbate any existing public facility capacity deficits. The developer will be required to participate in the proportionate share of any improvement cost necessary and/or provide infrastructure needed to serve the proposed development. Services are further expanded upon as follows:

Traffic Circulation Element- A Traffic Study was submitted to Palm Beach County and included as part of this application. Based on the review, the Traffic Division has determined the proposed development generates less than 20 peak hours trips; therefore, the proposed development project meets the TPS of Palm Beach County.

Sanitary Sewer and Solid Waste- The proposed development will be used for a parking lot and no sanitary sewer and solid wastewater improvements are needed. However, there are existing sanitary sewer and solid wastewater facilities nearby that are provided at the 500 Royal Plaza Road building and can provide sanitary sewer and solid wastewater if needed for the parking lot addition. The subject site is within the Palm Beach County Water Utilities Department.

Drainage- The proposed improvements include development of the site into a parking lot with associated driveway and infrastructure. Civil engineering improvements will include drainage collection and conveyance system. The proposed drainage control structure will be utilized to provide the necessary detention prior to outfall to the existing main. All related drainage criteria set forth by the South Florida Water Management District and the Village of Royal Palm Beach Development Code will be adhered to as required.

Potable Water- The proposed development will be used for a parking lot and no water improvements are needed. However, there are existing water facilities nearby that are provided at the 500 Royal Plaza Road building and can provide water if needed for the parking lot addition. The subject site is within the Palm Beach County Water Utilities Department".

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 Applicant asserts, "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, recreation, and open space element. Please refer to the overview provided in requirement number 2 above regarding the services for the proposed development. The proposed development will not negatively impact public facility demands, and all utilities and public facilities required will be provided concurrently with 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 Applicant asserts, "The proposed Rezoning of Industrial General (IG) is consistent with the surrounding properties. The subject site is surrounded on three (3) sides by Industrial General and one (1) side by General Commercial. The industrial development components of the proposed IG fit into the intensity and scale of the surrounding area, as the proposed development is consistent with the Future Land Use Element of the Comprehensive Plan. Similar industrial developments have been approved and/or developed in the direct vicinity of the area over the past few years. The designation of the subject site with IG FLU category will not negatively impact the area and will further enhance the development of the area".

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

The Applicant asserts, "The proposed development will be used for a parking lot only and no public facilities will be required to be provided".

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.*

The Applicant asserts, "The proposed development will be used for a parking lot only and no public facilities will be required to be provided. However, if public facilities will be required, the developer will be required to participate in the proportionate share of any improvement cost necessary and/or will provide infrastructure needed to service the new development. The public facilities required for the project will meet adopted LOS Standards and will be consistent with the Capital Improvements Element".

Village Staff generally agrees with the Applicant's assertions regarding compliance with the Village's Comprehensive Plan, Village Code, and State Statutes. Overall, the proposed rezoning is generally consistent with the Village's Comprehensive Plan, compatible with adjacent land uses, and meets all relevant concurrency level of service standards and therefore Staff is recommending approval of the application.

VI. Staff Recommendation:

Staff is recommending Approval of Application No. 23-044 (RZ) and Ordinance No. 1039.

VII. Hearing History:

Local Planning Agency:

The Planning and Zoning Commission considered this application on September 18, 2023, and recommended Approval by a vote of 5-0.

Village Council:

The Village Council considered Ordinance No. 1039 on first reading on September 21, 2023 voted for Approval by a vote of 5-0.

Attachment A
Legal Description
Paint Lux Auto Body
Application No. 23-044 (RZ)
Ordinance No. 1039

LEGAL DESCRIPTION:

ALL THAT PIECE AND PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE ALONG THE QUARTER SECTION LINE OF SAID SECTION 35, SOUTH 00°11'48" WEST A DISTANCE OF 2481.25 FEET TO A POINT AT THE SOUTHEAST CORNER OF BLOCK 11 OF THE PARTIAL RE-PLAT OF SECTION 2 OF PALM BEACH COLONY AS DESCRIBED IN PLAT BOOK 28 PAGES 211 THROUGH 213, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID PLAT, SOUTH 90°00'00" WEST A DISTANCE OF 480.50 FEET TO A POINT; THENCE DEPARTING SOUTH LINE OF SAID PLAT SOUTH 00°00'00" EAST A DISTANCE OF 538.45 FEET TO A POINT ON THE APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE AND THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 141.97 FEET TO A POINT; THENCE SOUTH 64°31'55" EAST A DISTANCE OF 18.76 FEET TO A POINT; THENCE NORTH 89°56'43" EAST A DISTANCE OF 51.73 FEET TO A POINT; THENCE NORTH 00°00'00" WEST A DISTANCE OF 149.99 FEET TO A POINT ON THE SAID APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE; THENCE ALONG SAID APPARENT SOUTHERLY RIGHT OF WAY OF SEMINOLE PALMS DRIVE NORTH 90°00'00" WEST A DISTANCE OF 68.67 FEET TO THE POINT OF BEGINNING.

SAID PARCEL ENCOMPASSING AN AREA OF 10,233 SQUARE FEET OR 0.235 ACRES, MORE OR LESS.

SITE PLAN

SCALE: 1/8" = 1'-0"

SITE KEY MAP

SITE DEVELOPMENT DATA

LAND USE	ZONING	TOTAL AREA (SQ. FT.)	TOTAL AREA (ACRES)	HEIGHT	FLOOR AREA		TOTAL FLOOR AREA		TOTAL FLOOR AREA	
					FLOOR AREA (SQ. FT.)	FLOOR AREA (ACRES)	TOTAL FLOOR AREA (SQ. FT.)	TOTAL FLOOR AREA (ACRES)		
EXISTING	EXISTING	1,234,567	0.028	10'-0"	1,234,567	0.028	1,234,567	0.028	1,234,567	0.028
NEW	NEW	1,234,567	0.028	10'-0"	1,234,567	0.028	1,234,567	0.028	1,234,567	0.028
TOTAL	TOTAL	2,469,134	0.056	10'-0"	2,469,134	0.056	2,469,134	0.056	2,469,134	0.056

ORDINANCE NO. 1039

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE VILLAGE; WHICH PROPERTY CONSISTS OF ONE (1) PARCEL OF LAND COMPRISING A TOTAL OF 0.235± ACRES, MORE OR LESS, LOCATED AT 6846 SEMINOLE PALMS DRIVE, INFORMALLY KNOWN AS “PAINT LUX AUTOBODY”; PROVIDING THAT THIS PARCEL OF REAL PROPERTY WHICH ARE MORE SPECIFICALLY DESCRIBED HEREIN SHALL BE ASSIGNED THE VILLAGE ZONING DESIGNATION OF “IG INDUSTRIAL GENERAL”; PROVIDING THAT THE ZONING MAP OF THE VILLAGE OF ROYAL PALM BEACH BE AMENDED TO REFLECT THE PROPER DESIGNATION FOR THIS PARCEL OF REAL PROPERTY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, after duly noticed public hearings, held pursuant to Florida Statutes, the Village Council does hereby find, determine and declare that the public health, safety and general welfare of the citizens of the Village of Royal Palm Beach are best served by assigning this one (1) parcel of real property described hereinbelow, located within the Village, the zoning designation of “IG Industrial General.”

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

Section 1: That certain parcel of real property located within the corporate limits of the Village of Royal Palm Beach consisting of a total of 0.235± acres located at 6846 Seminole Palms Drive, informally known as “Paint Lux Autobody”, is hereby zoned Village Zoning Designation “IG Industrial General,” a change from the previous Village Zoning Designations of PO Public Ownership, and are legally described as follows:

(See Exhibit A attached hereto for legal description)

Section 2: The Village Zoning Map is hereby amended to conform to this Ordinance, and the appropriate officials of the Village are instructed to make the necessary changes to the official Village Zoning Map.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 4: 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 5: This Ordinance shall take effect immediately upon passage.

FIRST READING this 21st day of September, 2023.

SECOND AND FINAL READING this 19th day of October, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

(SEAL)

ATTEST:

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Paint Lux Autobody
Application No. 23-044(RZ)
Ordinance No. 1039

LEGAL DESCRIPTION:

All that piece and parcel of land lying in Section 35, Township 43 South, Range 41 East, Palm Beach County, Florida and further described as follows:

Commencing at the North quarter corner of said Section 35; thence along the quarter section line of said Section 35, South 00°11'48" West a distance of 2481.25 feet to a point at the Southeast corner of Block 11 of the partial re-plat of Section 2 of Palm Beach Colony as described in Plat Book 28, pages 211 through 213, of the Public Records of Palm Beach County, Florida; thence along the South line of said Plat, South 90°00'00" West a distance of 480.50 feet to a point; thence departing south line of said plat South 00°00'00" East a distance of 538.45 feet to a point on the apparent Southerly right of way of Seminole Palms Drive and the Point of Beginning; thence South 00°00'00" East a distance of 141.97 feet to a point; thence South 64°31'55" East a distance of 18.76 feet to a point; thence North 89°56'43" East a distance of 51.73 feet to a point; thence North 00°00'00" West a distance of 149.99 feet to a point on the said apparent Southerly right of way of Seminole Palms Drive; thence along said apparent Southerly right of way of Seminole Palms Drive North 90°00'00" West a distance of 68.67 feet to the Point of Beginning.
