



Agenda Item # R - 4

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

Agenda Item:

SECOND READING AND ADOPTION OF ORDINANCE 776 REQUESTING A SMALL-SCALE FUTURE LAND USE AMENDMENT FOR A PARCEL OF PROPERTY TOTALING APPROXIMATELY 1.10 ACRES, MORE OR LESS, FROM PALM BEACH COUNTY COMMERCIAL HIGH (CH, PBC) TO VILLAGE COMMERCIAL (COM, RPB), LOCATED ON THE NORTH SIDE OF OKEECHOBEE BOULEVARD AND WEST OF TARGET; PETITION 06-12 (B) (SCPA): REQUESTED BY ECKO, LLC: BY AGENT, LLOYD GRANET, ESQ.

Issue:

The applicant is seeking a future land use amendment from the Commercial High (CH, PBC) to the Commercial (COM, RPB) category. As a result of the recent annexation, the Commercial High future land use category approved under Palm Beach County needs to be replaced with an appropriate Village designation. The proposed amendment meets the requirements of the Village Code for amending the future land use to the Commercial (COM) land use category.

This item was considered by the Planning and Zoning Commission sitting as the Local Planning Agency at its regular meeting on January 23, 2007 and received a recommendation for approval by a vote of 3-0.

The Village Council considered this item on February 1, 2007 and approved Ordinance 774 on first reading by a vote of 3-0.

Recommended Action:

Approval of petition 06-12 (b) (SCPA) thru the approval of Ordinance 776 on second reading.

Initiator:	Village Manager Approval	Agenda Date	Village Council Action
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Senior Planner

March 1, 2007

ORDINANCE NO. 776

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES, SPECIFICALLY SECTION 163.3187(1)(c), ET SEQ., FLORIDA STATUTES, PURSUANT TO A VILLAGE INITIATED APPLICATION NO. 06-12(b) WHICH PROVIDES FOR AN AMENDMENT TO THE VILLAGE'S FUTURE LAND USE MAP DESIGNATING ONE PARCEL OF REAL PROPERTY COMPRISING A TOTAL OF 1.10± ACRES, MORE OR LESS, AS "COM-COMMERCIAL"; WHICH PARCEL IS LOCATED ON THE NORTH SIDE OF OKEECHOBEE BOULEVARD APPROXIMATELY 1,200 FEET WEST OF STATE ROAD 7, INFORMALLY KNOWN AS THE "CVS PHARMACY PROPERTY"; PROVIDING FOR COMPLIANCE WITH ALL REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES; 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 initiated a small scale amendment to the Village comprehensive development plan which meets all the requirements of a "small scale" development as defined in Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Village of Royal Palm Beach has held all duly required public hearings, in accordance with Chapter 163, Florida Statutes, and its Code of Ordinances; and

WHEREAS, the Village Council desires to adopt the proposed 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 Council of the Village of Royal Palm Beach, Florida, hereby

adopts an amendment to its current comprehensive development plan dated September 14, 1995; by providing for a change from the previous Palm Beach County land use designation for the recently annexed parcel to the new Village designation of "COM- Commercial" for one (1) parcel of property comprising a total of approximately 1.10± acres, more or less, and amending the Village's Future Land Use Map accordingly; which amendment consists of changing the existing map to the one which is attached hereto as Exhibit A and made a part hereof and of the current comprehensive development plan. 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 2: The Village's Planner 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 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 adopting ordinance, ordinance effective date and small scale development amendment application number in accordance with Rule 9J-11.015, Florida Administrative Code. A copy of the above shall also be sent to the Treasure Coast Regional Planning Council and to any other unit of local government who has filed a written request for same.

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: 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. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If the Ordinance is timely challenged by an "affected person" as defined in Chapter 163, Florida Statutes, the amendment does not become effective until a final order is issued finding the amendment in compliance.

FIRST READING this 1st day of February, 2007.

SECOND AND FINAL READING this 1st day of March, 2007.

VILLAGE OF ROYAL PALM BEACH

DAVID A. LODWICK, MAYOR

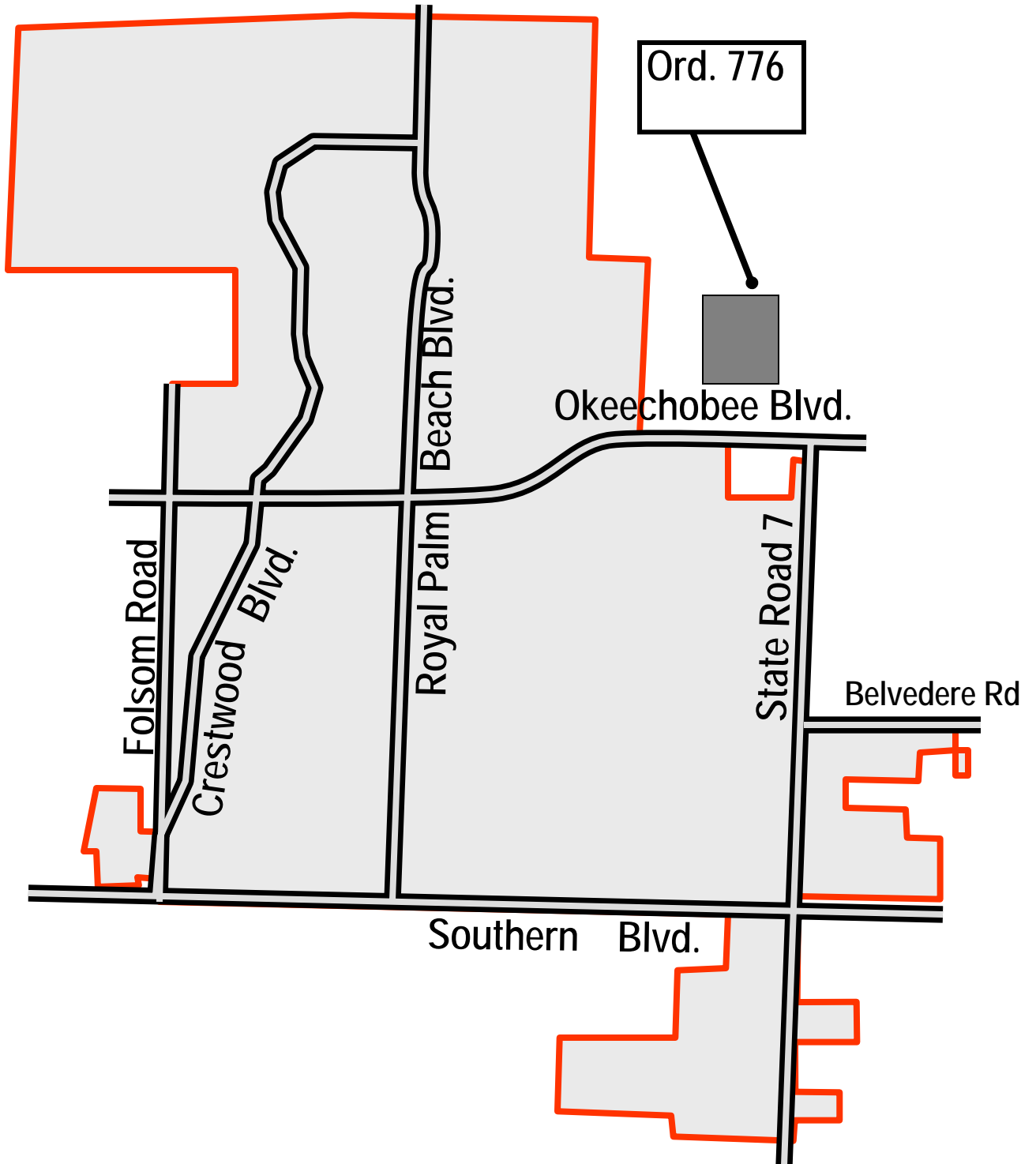
ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Ord776-SSCPA-FoxCVS

EXHIBIT A
CVS @ Fox Property
06-12-(B)(SCPA)



**Exhibit B
Legal Description
CVS @ Fox Property
06-12 (b) (SCPA)
Ordinance No. 776**

LEGAL DESCRIPTION:

A PORTION OF PARCEL "5" OF FOX PROPERTIES PLAT. AS RECORDED IN PLAT BOOK 83. PAGES 65 THRU 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "5"; THENCE NORTH 01'12'13" EAST, BEING THE BASIS OF BEARING, ALONG THE WEST LINE OF SAID PARCEL "5", A DISTANCE OF 202.05 FEET; THENCE SOUTH 89'21'29 EAST, A DISTANCE OF 44.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89'21 '29 EAST, A DISTANCE OF 308.00 FEET; THENCE SOUTH 00'38'31 WEST A DISTANCE OF 155.50 FEET; THENCE NORTH 89'21 '29" WEST, A DISTANCE OF 308.00 FEET; THENCE NORTH 00'38'31" EAST, A DISTANCE OF 155.50 FEET TO THE POINT OF BEGINNING

CONTAINING 1.0995 ACRES, MORE OR LESS

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY. FLORIDA.

SUBJECT TO ALL PERTINENT MATTERS OF RECORD.



Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: CVS @ Fox Property

Application: 06-12 (b) (SCPA) (Ord. No. 776)

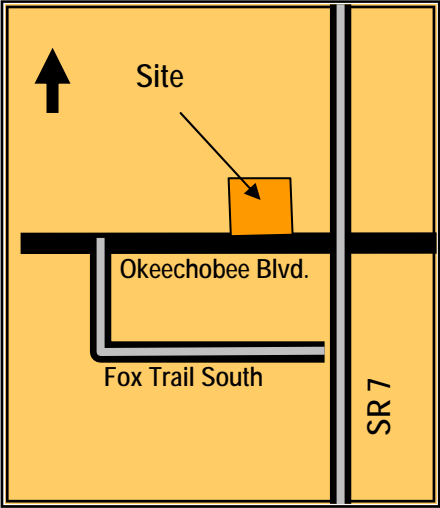
Applicant/Owner: Ecko, LLC
P.O. Box 4900
Scottsdale, Arizona 33431

Agent: Lloyd Granet, Esq., P.A.
2295 Northwest Corporate Blvd,
Suite 235
Boca Raton, Florida 33431

Request: Small-Scale Future Land Use Map Amendment for a 1.10 acre parcel of land from Commercial High (CH, PBC) to Commercial (COM), located on the north side of Okeechobee Blvd, west of Target.

Hearings: Planning and Zoning Commission: January 23, 2007
Village Council (First Reading): February 01, 2007
Village Council (Second Reading): March 1, 2007

Recommendation: Approval



II. Site Data:

Site Area: 1.10 ± acres

Property Control Numbers: 72-41-43-24-02-011-0000

Existing Land Use: Commercial

Existing FLUM Designation: Commercial High (CH, PBC)

Proposed FLUM Designation: Commercial (COM)

Existing Zoning District: Multiple Use Planned Development (MUPD, PBC)

Proposed Zoning: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	PortoSol by Minto	Light Residential (LR-2, PBC)	Planned Unit Dev. (PUD, PBC)
South	Palm Beach County	Commercial High (CH)	Multiple Use Planned Dev. (MUPD, PBC)
East	Palm Beach County	Commercial High (CH)	Multiple Use Planned Dev. (MUPD, PBC)
West	PortoSol by Minto	Light Residential (LR-2, PBC)	Planned Unit Development (PUD, PBC)

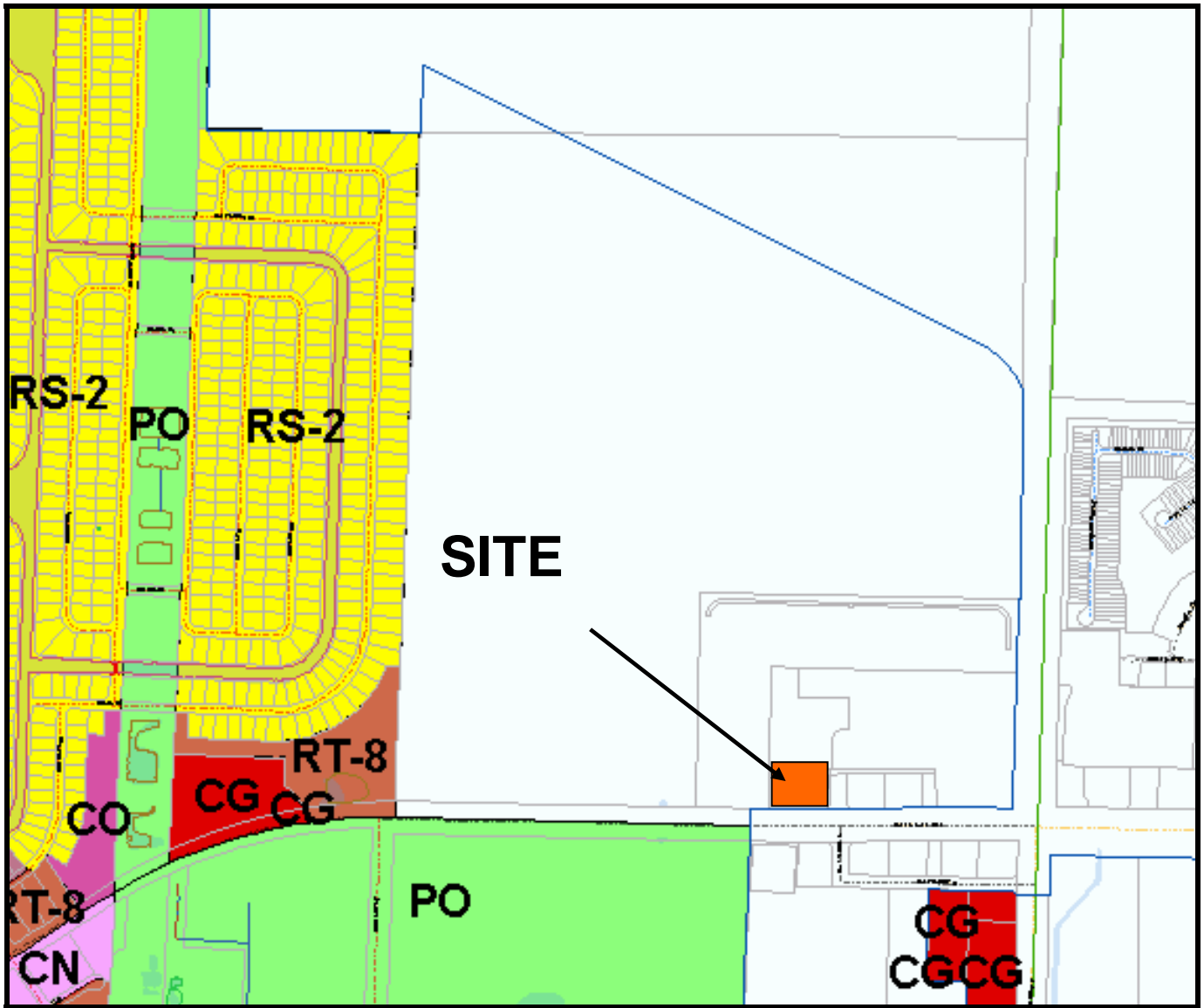


Figure 1: Location Map

III. Intent of Petition:

The applicant is requesting a Small-Scale Future Land Use Map Amendment to change the land use designation of a 1.10 acre parcel of land from Commercial High (CH, PBC) to Commercial (COM). The subject property is located on the north side of Okeechobee Blvd, west of Target. The commercial land use will help address the identified deficit of commercial land within the Village boundaries. Staff has reviewed the petition and found it in compliance with the Village's Comprehensive Plan and Code of Ordinances.

IV. History:

The subject property is located on the north side of Okeechobee Blvd, west of Target. The property was recently annexed into the Village boundaries by the adoption of Ordinance 768 on December 21, 2006. The property currently supports a commercial land use.

V. Analysis:

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

Compatibility with Adjacent Properties:

The requested Commercial (COM) designation will allow all land uses permitted within the General Commercial (CG) zoning district. The site is located adjacent to residentially zoned property to the north and west. There is a 210-foot drainage easement between this site and the residential property that will minimize the adverse impacts that the commercial development may have upon the residential property. The subject site is located off of Okeechobee Blvd. where significant commercial development already exists. As such, the requested Commercial (COM) future land use designation is compatible with adjacent surrounding land uses.

Consistency with the Comprehensive Plan:

The change of land use for this 1.10 acre parcel of land is consistent with the need for additional commercial land uses. The proposed amendment is consistent with the Village of Royal Palm Beach's Comprehensive Plan.

Future Land Use Element:

Goal 1.1: A mix of compatible land uses which meets the needs of the Village residents and is developed concurrently with the needed infrastructure and facilities

Objective 1.1.1: Development orders and permits for development and redevelopment activities shall be issued only in those areas where suitable topography and soil conditions exist to support such development.

Objective 1.1.2: Development orders and permits for development and redevelopment activities shall be issued only in areas where public facilities necessary to meet level of service standards (which are adopted as part of the Capital Improvements Element of this Comprehensive Plan) are available concurrent with the impacts of development.

Concurrency

The proposed land use change will have no adverse impacts on public facilities since governmental services have already been accounted for prior to annexation. As such, concurrency-related issues have been addressed and are as follows:

Traffic:

The applicant has obtained a TPSO approval from the County Traffic Division for the existing land use.

Drainage:

The applicant has demonstrated that the site has legal positive outfall with regard to storm water drainage.

Potable Water and Sanitary Sewer:

Palm Beach County currently provides potable water and sanitary sewer service to this location. There is adequate capacity to serve this site.

School Concurrency:

Not Applicable.

Fire-Rescue:

Site is serviced by Station 29 with an average response time of 6:09.

Parks and Recreation:

N/A.

Overall, the proposed future land use amendment is consistent with the Village's Comprehensive Plan, compatible with adjacent land uses, and meets all relevant concurrency level of service standards. In addition, the amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP), as well as Chapter 163, F.S., concerning the requirements for the processing of future land use amendments.

VI. Staff Recommendation:

Approval of 06-12 (b) (SCPA) on second reading of Ordinance No. 776.

VII. Hearing History:

Planning and Zoning Commission:

The Planning and Zoning Commission sitting as the Local Planning Agency considered the application on January 23, 2007, and recommended approval by a vote of 3-0.

Village Council (First Reading):

The Village Council considered Ordinance 776 on first reading on February 1, 2007, and recommended approval by a vote of 3-0.