



Agenda Item # R - 1

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

**Agenda Item:**

**PUBLIC HEARING FOR APPROVAL OF APPLICATION NO. 04-09 (G) (SE) AN APPLICATION BY CHET A. BIERMAT AND ADOPTION OF RESOLUTION NO. 09-18 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SPECIAL EXCEPTION USE APPROVAL FOR THE USE OF AN "AUTOMOBILE AND/OR WATER CRAFT REPAIR AND/OR SERVICE; SERVICE STATION" ON A 1.11 ACRE PARCEL OF LAND LOCATED AT 600 ROYAL COMMERCE ROAD.**

**Issue:**

The applicant is seeking Special Exception Use Approval to allow 3,827 square feet of automobile repair service in Royal Commerce Park located at 600 Royal Commerce Road. The use "Automobile and/or water craft repair and/or service; service station" is listed as a Special Exception Use within the Industrial Limited (IL) Zoning District. The site currently contains 2 buildings with a total of 13,924 square feet of floor area. The automobile repair service will occur in building 2 and building one will remain unchanged.

In reviewing the proposed Special Exception, 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 Industrial Limited (IL) Zoning District. Staff has determined that the proposed Special Exception conforms to Village Standards.

This item was originally scheduled for the August 25, 2009 Planning and Zoning Commission meeting and was postponed to a time certain of September 22, 2009 to allow the applicant time to gather information on the cost of complying with the proposed conditions of approval.

The Planning & Zoning Commission considered this application on September 22, 2009 and recommended approval by a vote of 4-0.

**Recommended Action:**

Approval of application 08-01 (SE) thru the approval of Resolution 09-18.

Initiator:	Village Manager Approval	Agenda Date	Village Council Action
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Senior Planner	October 1, 2009
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**RESOLUTION NO. 09-18**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 04-09(G) (SE) – THE APPLICATION OF CHET BIERMAT, PRESIDENT, BY OWNER, ROYAL COMMERCE PARK II CONDOMINIUM ASSOCIATION, INC. - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “AUTOMOBILE AND/OR WATER CRAFT REPAIR AND/OR SERVICE”, LOCATED AT 600 ROYAL COMMERCE ROAD, INFORMALLY KNOWN AS “ROYAL COMMERCE OFFICE/WAREHOUSE” 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. 04-09(G) (SE) was presented to the Village Council at its public hearing conducted on October 1, 2009; 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. 04-09(G) (SE), THE APPLICATION OF ROYAL COOMERCE PARK II CONDOMINIUM ASSOCIATION, INC., OWNER, BY APPLICANT, CHET PIERMAT, PRESIDENT, 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.

moved for approval of the application. The motion was seconded by and upon being put to a vote, the vote was as follows:

Mayor David A. Lodwick .....  
Vice Mayor Matty Mattioli .....  
Councilman David Swift.....  
Councilman Fred Pinto .....  
Councilwoman Martha Webster ..... ..

The foregoing Resolution was declared duly passed and adopted this 1<sup>st</sup> day of October, 2009 confirming the action of Village Council of October 1, 2009.

Approved as to form and  
legal sufficiency by:

\_\_\_\_\_  
VILLAGE ATTORNEY

\_\_\_\_\_  
MAYOR DAVID A. LODWICK

The Village of Royal Palm Beach,  
Palm Beach County, Florida,  
By its Village Council

APPLICATION NO. 04-09(G)(SE)

\_\_\_\_\_  
DIANE DISANTO, VILLAGE CLERK

**Exhibit A**  
**Legal Description**  
**Royal Commerce Park**  
**04-09 (G) (SE)**  
**Resolution 09-18**

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST ½ OF SAID SECTION 35 AND THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 (SOUTHERN BOULEVARD), AS NOW LAID OUT AND IN USE; THENCE NORTH 00 11'48" EAST (FOR CONVENIENCE THE BEARINGS SHOWN HEREIN ARE RELATIVE TO AN ASSUMED MERIDIAN) ALONG SAID EAST LINE OF THE WEST ½ OF SECTION 35, A DISTANCE OF 400.49 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 48'12" WEST, A DISTANCE OF 242 FEET; THENCE NORTH 0 11'48" EAST ALONG A LINE THAT IS 242.00 FEET WEST OF AND PARALLEL WITH THE SAID EAST LINE OF THE WEST ½ OF SECTION 35, A DISTANCE OF 200.01 FEET; THENCE SOUTH 89 48'12" EAST, A DISTANCE OF 242.00 FEET TO THE SAID EAST LINE OF THE WEST ½ OF SECTION 35; THENCE SOUTH 0 11'48" WEST ALONG THE SAID EAST LINE OF THE WEST ½ OF SECTION 35, A DISTANCE OF 200.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.11 ACRES, MORE OR LESS.

**Exhibit B  
Conditions of Approval  
Royal Commerce Park  
04-09 (G )(SE)  
Resolution 09-18**

**1. Development Order:**

This development order constitutes approval for:

Special Exception Use approval to add 3,827 square feet of Automobile and/or water craft repair and/or service; service station to the existing uses on this site. The site currently contains two buildings with a total floor area of 13,924 square feet of office/warehouse development, located on a 1.11 acre site. The site is located approximately 1,000 feet east of Royal Palm Beach Blvd. and 400 feet north of Southern Boulevard.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All conditions of approval imposed by Resolutions 06-44 and 08-36 and incorporating LW 06-01 shall remain in full force and effect unless specifically modified herein.

**2. Site Specific Conditions: (conditions to be added to the site specific conditions of Reso. 06-44)**

**H. No outdoor storage of any materials of any kind shall be permitted on site.**

**I. No repair activities shall be permitted outside of any bay.**

**J. No outdoor storage of any automobiles waiting to be repaired, all automobiles being kept overnight shall be stored within the building.**

**K. The applicant must install grease and oil interceptors to separate same and prevent contaminants from getting into the storm drain system.**



# Village of Royal Palm Beach - Staff Report

## I. General Data:

Project Name: Royal Commerce Park

Application: 04-09 (G) (SE) (Res. 09-18)

Owner: C. B. Associates LLC  
3125 Fortune Way, Suite 16  
Wellington, FL 33414

Agent: Chet A. Biernat, President  
600 Royal Commerce Road, Suite A  
Royal Palm Beach, FL 33411

Request: Special Exception Use approval to allow up to 3,827 square feet of Automobile and/or water craft repair and/or service; service station in building 2 of a 13,924 square foot office/warehouse development on an 1.11 acre site in the IL Zoning District.

Location: Approximately 1,000 feet east of Royal Palm Beach Blvd. and 400 feet north of Southern Blvd.

Hearings: Planning and Zoning Commission: September 22, 2009  
Village Council: October 1, 2009

Recommendation: Approval

## II. Site Data:

Site Area: 1.11 ± acres

Property Control Numbers: 72-41-43-35-11-600-0000

Existing Land Use: Office/Warehouse

Existing FLUM Designation: Industrial (IND)

Existing Zoning District: Limited Industrial (IL)

Dir.	Existing:	FLUM:	Zoning:
North	Ideal Preschool	Industrial (IND)	General Industrial (IG)
South	Auto Repair	Industrial (IND)	General Industrial (IG)
East	Southern Palm Crossing	Commercial (COM)	General Commercial (CG)
West	Royal Plaza	Industrial (IND)	General Industrial (IG)

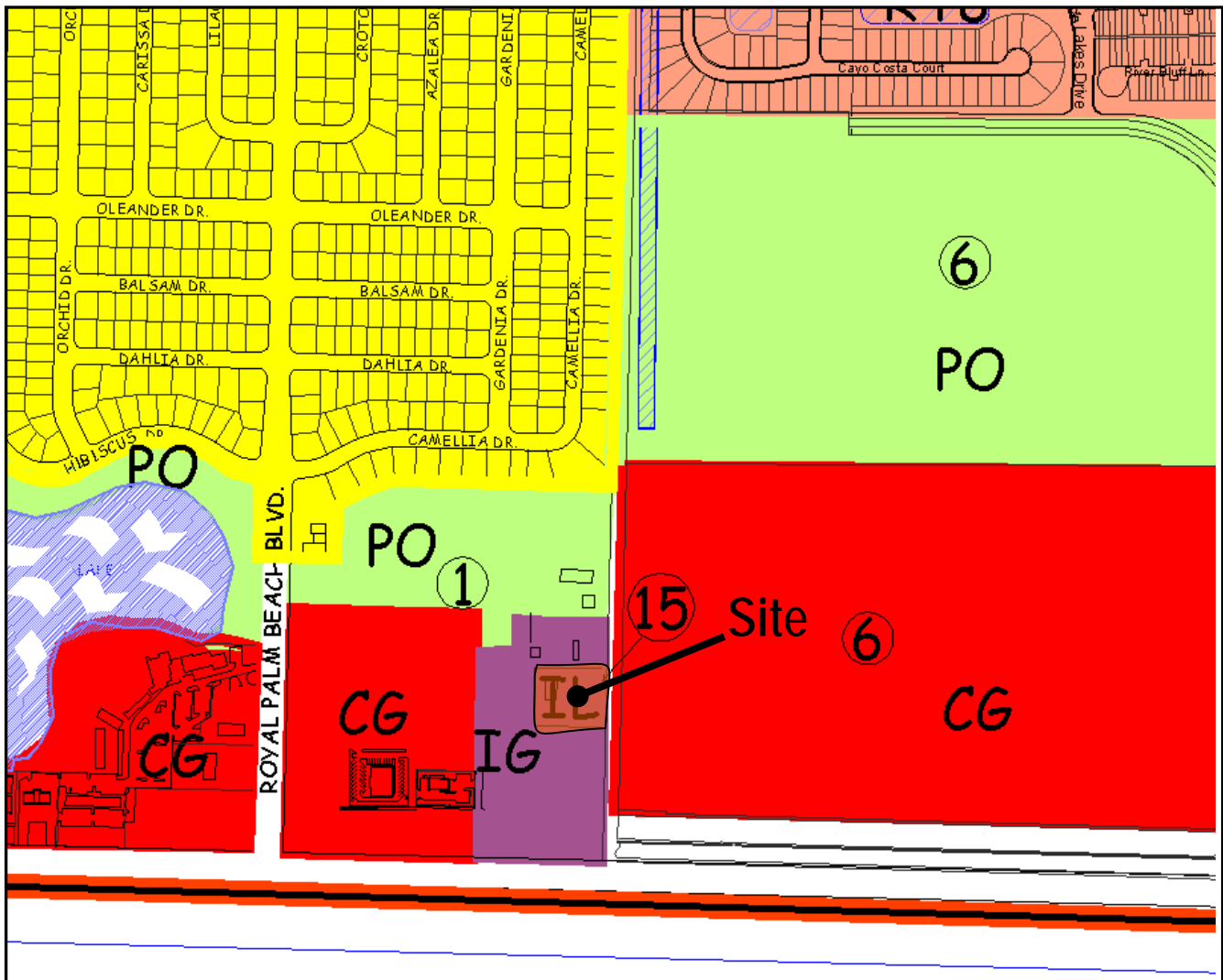


Figure 1: Location Map

**III. Intent of Petition:**

The applicant is seeking Special Exception Use Approval to allow 3,827 square feet of automobile repair service in Royal Commerce Park located at 600 Royal Commerce Road. The use “Automobile and/or water craft repair and/or service; service station” is listed as a Special Exception Use within the Industrial Limited (IL) Zoning District. The site currently contains 2 buildings with a total of 13,924 square feet of floor area. The automobile repair service will occur in building 2 and building one will remain unchanged.

**IV. History :**

This site plan was originally approved on April 7, 2005 through approval of Resolution 05-22 and Variance Order 05-04. These approvals lapsed after one year on April 7, 2006. The site plan and variance were approved again through the adoption of Resolution 06-44 on December 7, 2006. A site plan modification to add a 2,500 square foot mezzanine to building 2 was approved on September 4, 2008 through the adoption of Resolution 08-36.

## **V. Analysis:**

The applicant is seeking Special Exception Use Approval to allow 3,827 square feet of automobile repair service in Royal Commerce Park located at 600 Royal Commerce Road. The use "Automobile and/or water craft repair and/or service; service station" is listed as a Special Exception Use within the Industrial Limited (IL) Zoning District. The site currently contains 2 buildings with a total of 13,924 square feet of floor area. The automobile repair service will occur in building 2 and building one will remain unchanged.

In reviewing the proposed Special Exception, 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 Industrial Limited (IL) Zoning District. Staff has determined that the proposed Special Exception conforms to Village Standards.

## **VI. Disposition Options:**

In considering this application the options available are as follows:

1. Determine that the application meets the requirements of Sections 26-32(f) (4) and 26-91 of the Village Code of Ordinances and recommend approval.
2. Determine that the application does not meet the requirements of Sections 26-32(f) (4) and 26-91 of the Village Code of Ordinances, but that with the imposition of special conditions will meet standards and recommend approval subject to conditions.
3. Determine that the application does not meet the requirements of Sections 26-32(f) (4) and 26-91 of the Village Code of Ordinances, and the imposition of special conditions would not allow the application to meet those standards and recommend denial.

## **VII. Staff Recommendation:**

Recommend approval of 04-09 (G) (SE) through the adoption of Resolution 09-18.

## **VIII. Hearing History:**

### *Planning and Zoning Commission:*

The Planning and Zoning Commission considered the application on September 22, 2009 and recommended Approval by a vote of 4-0.