

Agenda Item # R - 7

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

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-127 (SP, AAR), AN APPLICATION BY COTLEUR & HEARING ON BEHALF OF ANDRADE ASSOCIATES LIMITED PARTNERSHIP, AND ADOPTION OF RESOLUTION NO. 23-46 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN AND ARCHITECTURAL & AESTHETIC REVIEW APPROVAL TO CONSTRUCT A 4,090± SQUARE FOOT RESTAURANT WITH OUTDOOR DINING, ASSOCIATED LANDSCAPE IMPROVEMENTS AND SIGNAGE, FOR A PROPERTY LOCATED AT 1301 ROYAL PALM BEACH BOULEVARD.

Issue:

The applicant, Cotleur & Hearing, on behalf of Andrade Associates Limited Partnership, is requesting Site Plan and Architectural & Aesthetic Review Approval to construct a 4,090 square foot restaurant with outdoor dining, associated landscape improvements and signage, for a property located at 1301 Royal Palm Beach Boulevard.

Aside from the Landscape Waiver requests, the proposed Site Plan meets all of the Village's requirements of the General Commercial (GC) Zoning District, and Section 26-61 Planned Commercial Developments (PCD).

The Planning and Zoning Commission considered the application on March 26, 2024, and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application No. 23-127 (SP, AAR) and Resolution No. 23-46. This recommendation is contingent upon the approval of the requested Landscape Waivers.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	4-18-2024	Action

Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Jabrewski’s Restaurant

Application: 23-127 (SP, AAR) Res. 23-46

Applicant: Andrade Associates Limited Partnership
13594 Royal Palm Beach Boulevard
Royal Palm Beach, FL 33411

Agent: Cotleur & Hearing
1934 Commerce Lane, Suite 1
Jupiter, FL 33458

Request: Site Plan and Architectural & Aesthetic Review Approval to construct a 4,090± square foot restaurant with outdoor dining, associated landscape improvements and signage, for a property located at 1301 Royal Palm Beach Boulevard.

Hearings: Planning and Zoning Commission: March 26, 2024
Village Council: April 18, 2024

Recommendation: Approval

II. Site Data:

Site Area: 0.92± acres

Property Control Numbers: 72-41-43-23-13-003-0020

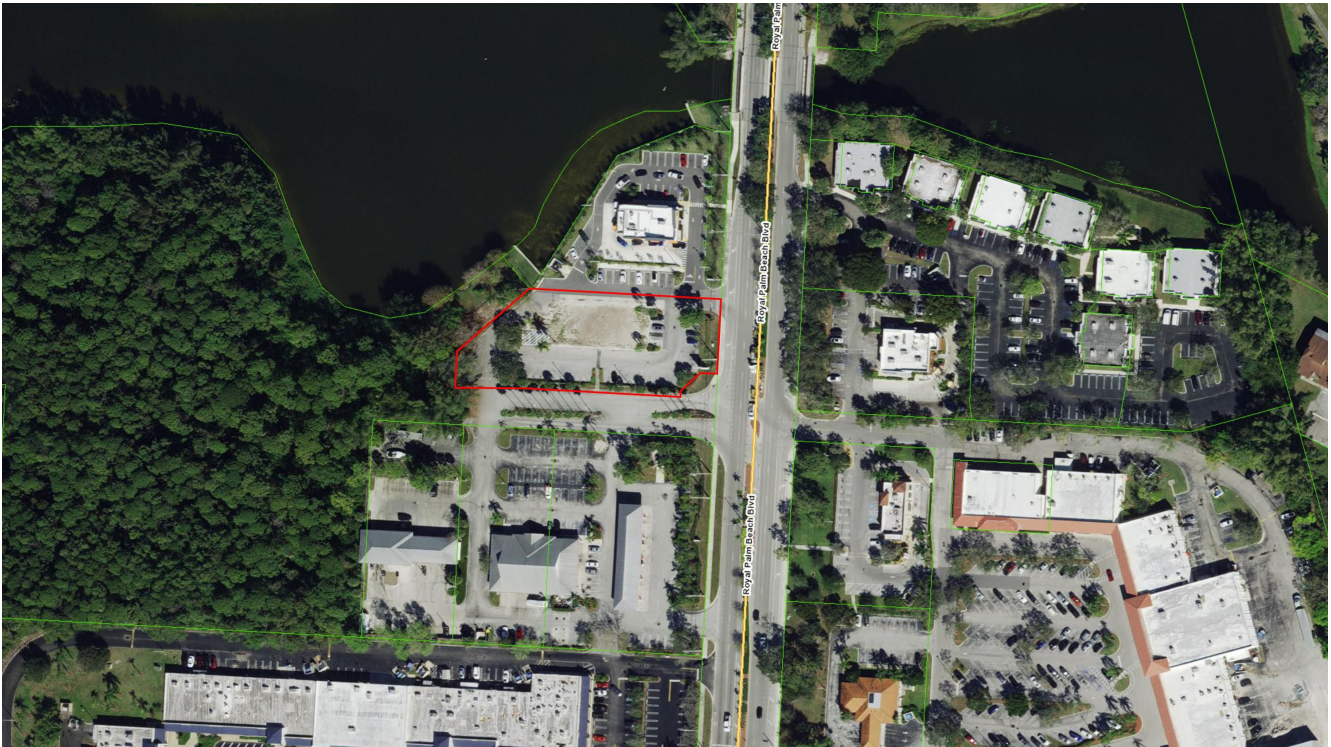
Existing Land Use: Commercial / Vacant

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing Use:	FLUM:	Zoning:
<i>North</i>	Dunkin Donuts / Commercial	Commercial (COM)	General Commercial (CG)
<i>South</i>	Village Royale Shopping Center	Commercial (COM)	General Commercial (CG)
<i>East</i>	Commercial / Lake View Center	Commercial (COM)	Neighborhood Commercial (CN) / Office Commercial (CO)
<i>West</i>	Lakeside Landing	Multi-Family Low Density Residential (MFL)	Multiple Family Residential (RM-9)

Directly below is a map showing the location of the site:



III. Intent of Petition:

The applicant, Cotleur & Hearing, on behalf of Andrade Associates Limited Partnership, is requesting Site Plan and Architectural & Aesthetic Review Approval to construct a 4,090 square foot restaurant with outdoor dining, associated landscape improvements and signage, for a property located at 1301 Royal Palm Beach Boulevard.

IV. History:

This site was previously site planned and utilized as a Dunkin Donuts, which was recently demolished because of the proposed Jabrewski's restaurant. It is worth noting that the Dunkin Donuts has since relocated north of the subject property.

V. Analysis:

The applicant, Cotleur & Hearing, on behalf of Andrade Associates Limited Partnership, is requesting Site Plan and Architectural & Aesthetic Review Approval to construct a 4,090 square foot restaurant with outdoor dining, associated landscape improvements and signage; the property is located at 1301 Royal Palm Beach Boulevard and situated within the General Commercial (CG) Zoning District.

In addition, according to the Applicant's Justification Statement, "this plan increases setbacks from the nearest property line and increases the quantity and quality of the landscape". The Justification further states that "the new upgraded use will thrive in this location, and the elevated architectural design of the restaurant will enhance the commercial corridor along

Royal Palm Beach Boulevard". For an illustration of the Site Plan, please refer to **Attachment C**.

The Applicant is also requesting Architectural approval for the building, and Landscape Plan. Please refer to **Attachment D** for an illustration of the Landscape Plan, and **Attachment E** for an illustration of the proposed Architecture for the building.

In reviewing this application, Village Staff considered conformity with Chapter 26 of the Village's Code of Ordinances. Specifically, the proposed project meets the requirements for the General Commercial (GC) Zoning District, and Section 26-61 *Planned commercial developments (PCD)*, as outlined below:

1. Parcel size: The site contains 0.92± acres, and is part of the overall Waterway Plaza PCD, which exceeds the minimum area required for CG-designated property of 40,000 square feet.
2. Parcel width: The site and overall PCD exceeds the minimum parcel width of 150 feet of frontage.
3. Setbacks: The proposed building meets the setback for the zoning district.
4. Pervious area: The proposed Site Plan meets or exceeds the pervious area requirements.
5. Parking Requirements: The proposed Site Plan meets the parking standards of the Village Code.
6. Landscape Areas: The proposed landscape plan meets all of the minimum planting material standards of Chapter 15 Landscaping.
7. Maximum Building Height: The proposed buildings do not exceed the maximum height regulations of the General Commercial (CG) Zoning District.

Overall, the proposed Site Plan improvements meet all of the Village's requirements for this type of use in the General Commercial (CG) Zoning District. Furthermore, the outdoor seating area meets all relevant Supplemental Regulations of Village Code Section 26-72. *Outdoor Seating*.

VI. Disposition Options:

Recommend: Approval of the application;
Denial of the application.

VII. Staff Recommendation:

Staff is recommending Approval of Application No. 23-127 (SP, AAR) and Resolution No. 23-46. This recommendation is contingent upon the approval of the requested Landscape Waivers.

VIII. Hearing History:

Planning and Zoning Commission:

The Planning and Zoning Commission considered the application on March 26, 2024, and recommended Approval by a vote of 5-0.

**Attachment A
Legal Description
Jabrewski's @ Waterway Plaza
Application No. 23-127 (SP, AAR)
Resolution No. 23-46**

LEGAL DESCRIPTION

**WATERWAY PLAZA
LEGAL DESCRIPTION OF SOUTHERLY
40000 SQUARE FOOT PARCEL**

A PARCEL OF LAND LYING IN TRACT "C", WATERWAY PLAZA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "C"; SAID NORTHEAST CORNER SITUATE ON THE WEST RIGHT OF WAY LINE OF ROYAL PALM BEACH BOULEVARD; THENCE, SOUTH 01°36'46" WEST, ALONG THE EAST LINE OF SAID TRACT "C" AND ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 215.91 FEET TO THE POINT OF BEGINNING (P.O.B.):

THENCE, CONTINUE SOUTH 01°36'46" WEST, ALONG THE EAST LINE OF SAID TRACT "C" AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 98.27 FEET; THENCE, NORTH 88°23'14" WEST, DEPARTING THE EAST LINE OF SAID TRACT "C" AND SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 21.89 FEET; THENCE, SOUTH 46°36'46" WEST, A DISTANCE OF 35.36 FEET; THENCE, SOUTH 01°36'46" WEST, A DISTANCE OF 7.48 FEET; THENCE, NORTH 88°23'14" WEST, A DISTANCE OF 204.10 FEET; THENCE, SOUTH 89°17'57" WEST, A DISTANCE OF 93.13 FEET; THENCE, NORTH 01°36'46" EAST, A DISTANCE OF 47.88 FEET TO THE INTERSECTION THEREOF WITH THE NORTHERLY BOUNDARY LINE OF SAID TRACT "C"; THENCE, NORTH 48°04'54" EAST, ALONG SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 124.80 FEET; THENCE, SOUTH 88°23'14" EAST, DEPARTING SAID BOUNDARY LINE, A DISTANCE OF 252.84 FEET TO THE POINT OF BEGINNING.

CONTAINING: 40,000 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY RECORD.

Attachment B
Conditions of Approval
Jabrewski's @ Waterway Plaza
Application No. 23-127 (SP, AAR)
Resolution No. 23-46

1. Development Order:

This development order constitutes approval for:

Major Site Plan and Architectural & Aesthetic Review Approval to construct a 4,090 square foot restaurant with outdoor dining, associated landscape improvements and signage, for a property located at 1301 Royal Palm Beach Boulevard.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All other conditions imposed by previous approvals shall remain in full force and effect unless specifically modified herein.

2. Site Specific Conditions:

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. All imposed conditions of approval for the Waterway Plaza Planned Commercial Development (PCD) shall remain in full force and effect.
- C. The site shall be maintained free of all trash at all times.
- D. All noise or sound emitted from the restaurant and outdoor seating area and associated TV and other equipment therein must comply with the Village's Noise Ordinance.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of 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. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus, except where specifically noted herein, the specific Village Code provisions governing design standards will apply.
- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and

- operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
 - G. Following Council approval, the applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.
 - H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
 - I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape and irrigation plan review and inspection fee of three percent (3%) of the cost estimate shall be paid to the Building Department at the time permits are issued.
 - J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
 - K. Prior to the issuance of any building permit or conditional building permit the following must be completed:
 - 1. No building permits shall be issued until the construction drawings have been approved.
 - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
 - L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

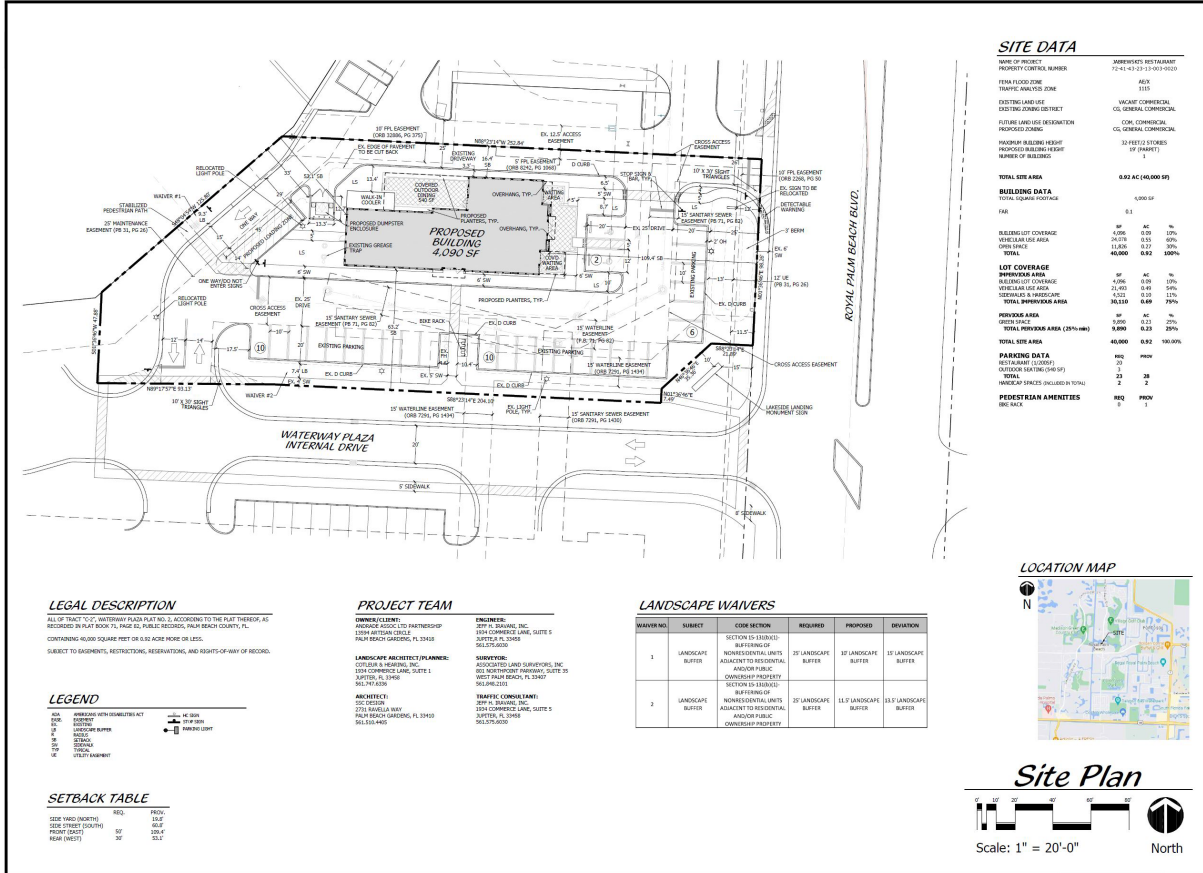
3. Landscaping Conditions:

- A. The property owner or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and waters edge.
- B. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- C. Vegetation removal shall not commence until a vegetation removal permit have been issued.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.

- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. All shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, but must be maintained at no less than thirty-six inches (36) in height.
- G. The practice of “hat racking” defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree’s crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.
- H. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

Attachment C Site Plan Jabrewski's @ Waterway Plaza Application No. 23-127 (SP, AAR) Resolution No. 23-46

Directly below is an illustration of the Site Plan:



SITE DATA

NAME OF PROJECT	JABREWSKI'S RESTAURANT
PROPERTY CONTROL NUMBER	17-14-121-11-100-0100
FEMA FLOOD ZONE	AE1X
TRAFFIC ANALYSIS ZONE	1115
EXISTING ZONE	MC-2 GENERAL COMMERCIAL
EXISTING ZONE DISTRICT	CG GENERAL COMMERCIAL
FUTURE LAND USE REVISION	COM COMMERCIAL
PROPOSED ZONING	CG GENERAL COMMERCIAL
MINIMUM BUILDING HEIGHT	32 FEET STOREYS (IF PERMITTED)
PROPOSED BUILDING HEIGHT	32 FEET STOREYS (IF PERMITTED)
NUMBER OF BUILDING HEIGHTS	1 (IF PERMITTED)
NUMBER OF BUILDINGS	1 (IF PERMITTED)
TOTAL SITE AREA	0.82 AC (40,000 SF)
BUILDING DATA	
TOTAL SQUARE FOOTAGE	4,090 SF
FIR	6.1
BUILDING LOT COVERAGE	4,090 100%
USEFUL AREA	21,070 516%
COVERED AREA	40,000 1000%
LOT COVERAGE	
BUILDING LOT COVERAGE	4,090 100%
USEFUL AREA	21,070 516%
COVERED AREA	40,000 1000%
PERVAZAGE AREA	
PERVAZAGE AREA	9,890 24.7%
PERVAZAGE AREA (25% MIN)	9,890 24.7%
PARKING DATA	
RESTAURANT (11 SPACES)	11
OUTDOOR SEATING (2 SPACES)	2
TOTAL	13
MINIMUM SPACES (INCLUDED IN TOTAL)	2
PEDESTRIAN AMENITIES	
SEATAGE	1

LEGAL DESCRIPTION

ALL OF TRACT "C", WATERWAY PLAZA PLAT NO. 1, ACCORDING TO THE PLAN THEREOF, AS RECORDED IN PLAT BOOK 74, PAGE 64, PUBLIC RECORDS, PALM BEACH COUNTY, FL, CONTAINING 40,000 SQUARE FEET OR 0.92 ACRE MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

PROJECT TEAM

OWNER/CLIENT:
ARNDSON ASSOCIATES PARTNERSHIP
1334 HARTMAN CIR
PALM BEACH GARDENS, FL 33418

ENGINEER:
COTTEUR & HEARING, INC.
1334 HARTMAN CIR, SUITE 5
PALM BEACH GARDENS, FL 33418
954.747.4339

LANDSCAPE ARCHITECT/PLANNER:
COTTEUR & HEARING, INC.
1334 HARTMAN CIR, SUITE 1
PALM BEACH GARDENS, FL 33418
954.747.4339

ARCHITECT:
COTTEUR & HEARING, INC.
1334 HARTMAN CIR, SUITE 1
PALM BEACH GARDENS, FL 33418
954.747.4339

TRAFFIC CONSULTANT:
D&K PLANNING, INC.
100 WESTWOOD PARKWAY, SUITE 5
WEST PALM BEACH, FL 33411
561.862.1211

LANDSCAPE WAIVERS

WAIVER NO.	SUBJECT	CODE SECTION	REQUIRED	PROPOSED	DEVIATION
1	LANDSCAPE BUFFER	SECTION 15.13(1)(b) - BUFFERING OF NONRESIDENTIAL UNITS ADJACENT TO RESIDENTIAL AND/OR PUBLIC CONCERNED PROPERTY	15' LANDSCAPE BUFFER	15' LANDSCAPE BUFFER	15' LANDSCAPE BUFFER
2	LANDSCAPE BUFFER	SECTION 15.13(1)(c) - BUFFERING OF NONRESIDENTIAL UNITS ADJACENT TO RESIDENTIAL AND/OR PUBLIC CONCERNED PROPERTY	15' LANDSCAPE BUFFER	11' LANDSCAPE BUFFER	11' LANDSCAPE BUFFER

LEGEND

AAA	APPROXIMATE DIMENSIONS	---	1/2" DIA
AAA	APPROXIMATE DIMENSIONS	---	1/2" DIA
AAA	APPROXIMATE DIMENSIONS	---	1/2" DIA
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AAA	APPROXIMATE DIMENSIONS	---	1/2" DIA
AAA	APPROXIMATE DIMENSIONS	---	1/2" DIA

SETBACK TABLE

SIDE YARD (NORTH)	5'	5'
SIDE STREET (SOUTH)	5'	5'
FRONT (EAST)	5'	5'
REAR (WEST)	5'	5'

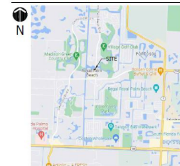


Cotteur & Hearing
Landscape Architects
Land Planners
Environmental Consultants

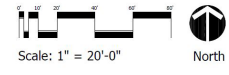
1514 Commerce Lane
Jupiter, Florida 33459
561.747.4339 Fax 561.1377
www.cotteurhearing.com
LAW LC-20000336

Jabrewski's
Royal Palm Beach, Florida

LOCATION MAP



Site Plan



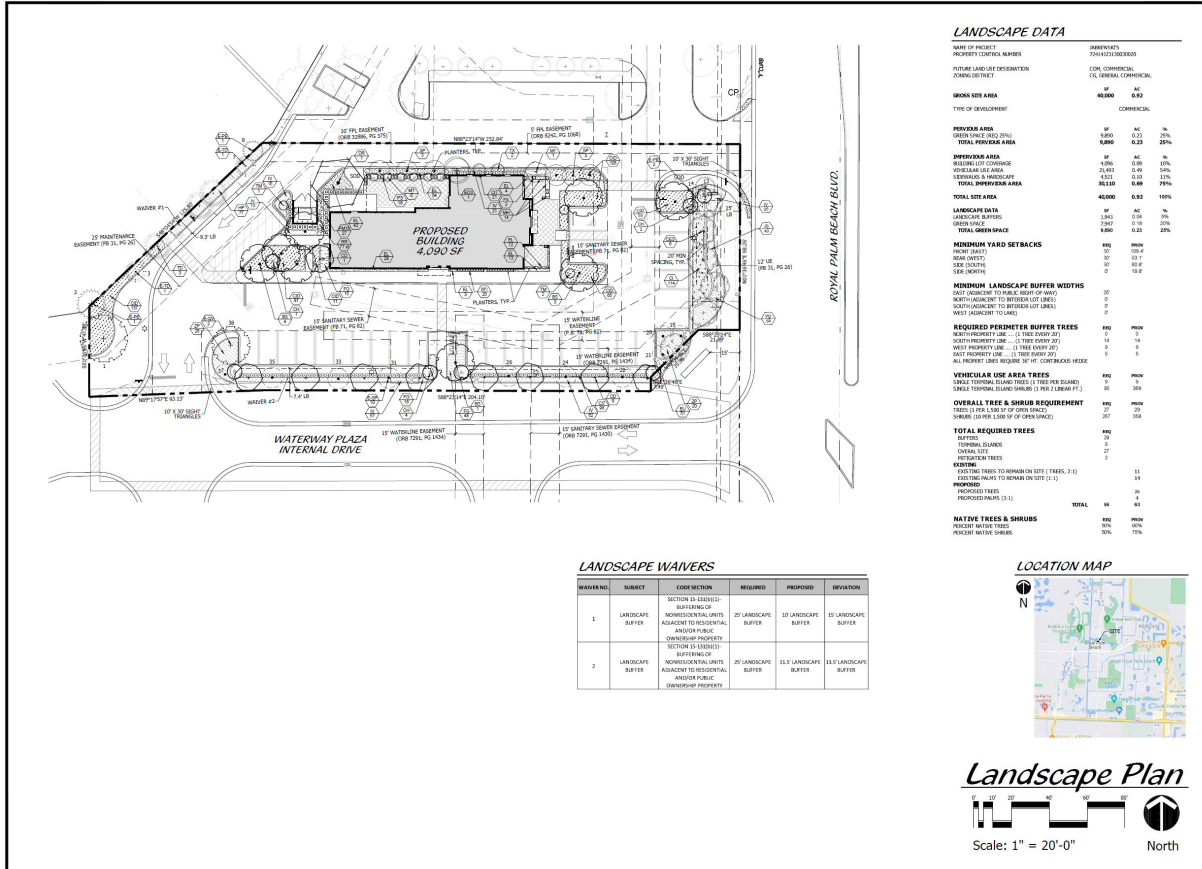
DESIGNED BY	10/15/23
DRAWN BY	10/15/23
CHECKED BY	10/15/23
DATE	10/15/23
PROJECT NO.	23-127
DATE	10/15/23
REVISION	10/15/23
DATE	10/15/23
BY	10/15/23
DATE	10/15/23

DRAWN BY: 10/15/23 10:51:41 AM
DATE: 10/15/23 10:51:41 AM

SHEET 1 OF 2

Attachment D Landscape Plan Jabrewski's @ Waterway Plaza Application No. 23-127 (SP, AAR) Resolution No. 23-46

Directly below is an illustration of the Landscape Plan:



Cotleur & Hearing
Landscape Architecture
Environmental Consultants

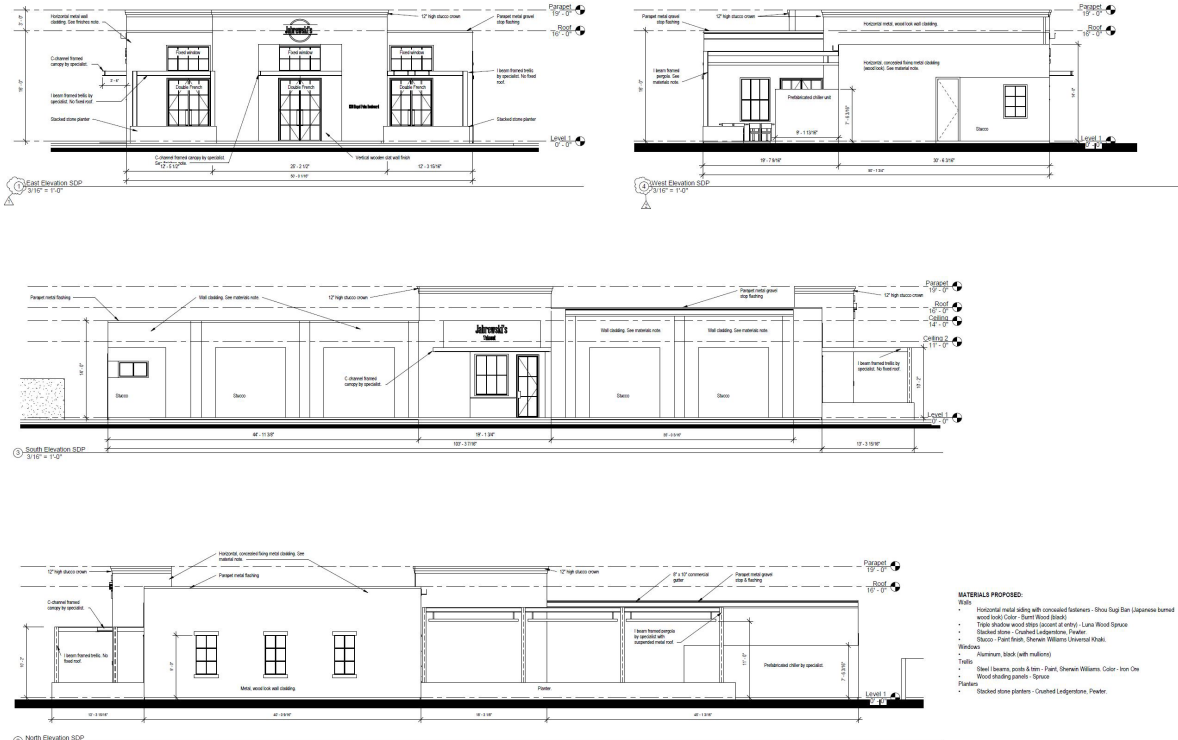
1534 Commerce Lane
Jupiter, Florida 33458
561.742.0338 Fax 561.742.1377
www.cotleurhearing.com
LAW LC 20080035

Jabrewski's
Royal Palm Beach, Florida

REVISION: _____ DATE: _____ DRAWN: _____ DATE: _____ JOB NUMBER: 23-127 (SP, AAR) SHEET: 1 OF 2 PROJECT: 1534 COMMERCIAL LOCATION: 1534 COMMERCIAL LANE, JUPITER, FLORIDA 33458	APPROVED: _____ DATE: _____ PROJECT: 1534 COMMERCIAL LANE, JUPITER, FLORIDA 33458 SHEET: 1 OF 2
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Attachment E Elevations Jabrewski's @ Waterway Plaza Application No. 23-127 (SP, AAR) Resolution No. 23-46

Directly below is an illustration of the Architectural Plan:



- MATERIALS PROPOSED:**
- Roof:**
 - Horizontal metal siding with concealed fasteners - Shou Sug Sui Japanese burned wood look Color - Burnt Wood Black
 - Thin shadow wood strip (overlaid entry) - Luna Wood Splice
 - Stacked stone - Crushed LedgeStone, Pewee
 - Stone - Field Stone, Shown Williams (various Stone)
 - Wall:**
 - Aluminum, back (with Mullion)
 - Stone / concrete, back & top - Fair, Shown Williams, Color - Iron Ore
 - Wood cladding panels - Stone
 - Planters:**
 - Stacked stone planters - Crushed LedgeStone, Pewee

ssc design

Date: 01/15/2023
Project: 23-127 (SP, AAR)
Client: Jabrewski's Pizza Co.
Address: 1501 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411

Drawing Date: 01/15/23
Issued for permit: 01/15/23
Issued for construction: 01/15/23
All work drawings: 01/15/23

Revision/Description: 01/15/23
SDP Comments: 01/15/23

Revision Number: 1

Project Name: **Jabrewski's Pizza Co.**
Address: 1501 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411
Site Development - Elevations

Project Number: 23-127 (SP, AAR)

Issue Date: 05/05/23
Drawn by: E1
Checked by: 2
Scale: 3/16" = 1'-0"

SDP1.03

RESOLUTION NO. 23-46

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 23-127 (SP, AAR) – THE APPLICATION OF COTLEUR & HEARING ON BEHALF OF ANDRADE ASSOCIATES LIMITED PARTNERSHIP - PERTAINING TO A SITE PLAN AND ARCHITECTURAL APPROVAL FOR A 4,090 SQ. FT. FAMILY-FRIENDLY PIZZA RESTAURANT AND ASSOCIATED LANDSCAPING AND SIGNAGE ON A 0.92± ACRE SITE WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AT 1301 ROYAL PALM BEACH 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. 23-127 (SP, AAR) was presented to the Village Council at its public hearing conducted on April 18, 2024; 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, THAT APPLICATION NO. 23-127 (SP, AAR), THE APPLICATION COTLEUR & HEARING ON BEHALF OF ANDRADE ASSOCIATES LIMITED PARTNERSHIP, 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 and site plan depiction:

PLEASE SEE EXHIBIT “B” and “C” ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of April, 2024.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Jabrewski's
Application No. 23-127 (SP, AAR)
Res. 23-46

Directly below is the Legal Description of the subject site:

LEGAL DESCRIPTION

WATERWAY PLAZA
LEGAL DESCRIPTION OF SOUTHERLY
40000 SQUARE FOOT PARCEL

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Jabrewski's
Application No. 23-127 (SP, AAR)
Res. 23-46

1. Development Order:

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Major Site Plan and Architectural & Aesthetic Review Approval to construct a 4,090 square foot family-friendly pizza restaurant with outdoor dining, associated landscape improvements and signage, for a property located at 1301 Royal Palm Beach Boulevard.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All other conditions imposed by previous approvals shall remain in full force and effect unless specifically modified herein.

2. Site Specific Conditions:

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. All imposed conditions of approval for the Waterway Plaza Planned Commercial Development (PCD) shall remain in full force and effect.
- C. The site shall be maintained free of all trash at all times.
- D. All noise or sound emitted from the restaurant and outdoor seating area and associated TV and other equipment therein must comply with the Village's Noise Ordinance.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of 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. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-

permitting phase of the final approvals. Thus, except where specifically noted herein, the specific Village Code provisions governing design standards will apply.

- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- G. Following Council approval, the applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.
- H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
- I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape and irrigation plan review and inspection fee of three percent (3%) of the cost estimate shall be paid to the Building Department at the time permits are issued.
- J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- K. Prior to the issuance of any building permit or conditional building permit the following must be completed:
 - 1. No building permits shall be issued until the construction drawings have been approved.
 - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

3. Landscaping Conditions:

- A. The property owner or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and waters edge.
- B. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- C. Vegetation removal shall not commence until a vegetation removal permit have been issued.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. All shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, but must be maintained at no less than thirty-six inches (36) in height.
- G. The practice of "hat racking" defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree's crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.
- H. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

