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

### Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 21-116 (SPM, SE, AAR), AN APPLICATION BY KIMLEY-HORN & ASSOCIATES, AND ADOPTION OF RESOLUTION 22-09 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SITE PLAN MODIFICATION, SPECIAL EXCEPTION USE, AND ARCHITECTURAL APPROVAL TO ALLOW A "RESTAURANT WITH DRIVETHROUGH" FOR AN EXISTING 4,000 SQUARE FOOT BUILDING, LOCATED AT 11001 SOUTHERN BOULEVARD AND SITUATED WITHIN THE SOUTHERN PALM CROSSING SHOPPING CENTER; BY AGENT MARK RICKARDS OF KIMLEY-HORN & ASSOCIATES.

#### Issue:

The Applicant is seeking approval for a Site Plan Modification, Special Exception Use, and Architectural Approval in order to allow the redevelopment of an existing 4,000 square foot "Financial institution with drive-through" into a "Restaurant with drive-through". The proposed "Restaurant with drive-through" will have a total of 4,000 square feet, which includes 3,400 square feet of indoor space and 560 square feet of outdoor seating. The property is located at 11001 Southern Boulevard within the Southern Palm Crossing Shopping Center and situated within the General Commercial (CG) Zoning District.

Overall, the proposed Site Plan, Special Exception and Architecture meet all of the Village's requirements for this type of use in the General Commercial (CG) Zoning District and the design standards for a "Restaurant with drive through" of Village Code with the exception of the Parking Variance requested from Section 23-49 (B)(18)b. to not provide a continuous bypass lane for the drive-through.

The Planning and Zoning Commission considered the application on April 26, 2022, and recommended approval by a vote of 5-0.

### **Recommended Action:**

Staff is recommending Approval of Application No. 21-116 (SPM, SE, AAR) and Resolution 22-09, subject to approval of Parking Variance Application 21-115 (PVAR) and Variance Order VC-22-02.

Initiator:	Village Manager	Agenda Date	Council	
Director of P & Z	Approval	5-19-2022	Action	
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# Village of Royal Palm Beach - Staff Report

## I. General Data:

Project Name: Starbucks @ Southern Palm Crossing

Application: 21-116 (SPM, SE, AAR)

Applicant: IVT Southern Royal Palm Beach 1031 LLC

3025 Highland Parkway, Suite 350

Downers Grove, IL 60515

Agent: Mark Rickard, AICP

Kimley-Horn & Associates

1615 South Congress Avenue, Suite 201

Delray Beach, Florida 33445

Request: Site Plan Modification, Special Exception Use, and Architectural

Approval to allow a 'Restaurant with drive-through" use for an existing building located at 11001 Southern Boulevard situated

within the Southern Palm Crossing Shopping Center.

Hearings: Planning and Zoning Commission: April 26, 2022

Village Council: May 19, 2022

Recommendation: Approval

#### II. Site Data:

Site Area: 49.9+ acres

Property Control Numbers: 72-41-43-35-10-001-0000

Existing Land Use: Planned Commercial Development

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:	
North	Seminole Palms Park	Open Space (OS)	Public Ownership (PO)	
South	Residential	Low Residential	Low Residential – Village of Wellington	
East	Queen of Peace Cemetery	Open Space (OS)	Private Recreation (PR)	
West	Royal Palm Commerce	Industrial (IND)	General Industrial (IG)	

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



### III. Intent of Petition:

The Applicant is seeking approval for a Site Plan Modification, Special Exception Use, and Architectural Approval in order to allow the redevelopment of an existing 4,000 square foot "Financial institution with drive-through" into a "Restaurant with drive-through". The proposed "Restaurant with drive-through" will have a total of 4,000 square feet, which includes 3,400 square feet of indoor space and 560 square feet of outdoor seating. The property is located at 11001 Southern Boulevard within the Southern Palm Crossing Shopping Center and situated within the General Commercial (CG) Zoning District.

#### IV. History:

The subject property is located on the Northwest corner of Southern Boulevard and Lamstein Lane. The site was approved as a Planned Commercial Development (PCD) on May 5, 2005, through the adoption of Resolution 05-18, with a total of 348,195 square feet of floor area.

### V. Analysis:

The Applicant is seeking approval for a Site Plan Modification, Special Exception Use, and Architectural Approval in order to allow the redevelopment of an existing 4,000 square foot "Financial institution with drive-through" into a "Restaurant with drive-through". The proposed "Restaurant with drive-through" will have a total of 4,000 square feet, which includes 3,400 square feet of indoor space and 560 square feet of outdoor seating. The property is located at 11001 Southern Boulevard within the Southern Palm Crossing Shopping Center and situated within the General Commercial (CG) Zoning District.

The site improvements include conversion of the existing commercial building into a restaurant with drive-through; relocation of parking spaces to accommodate the required queuing area for the restaurant drive-through and associated site and landscape improvements. For an illustration of the Site Plan, please refer to **Attachment C**. For an illustration of the Landscape Plan please refer to **Attachment D**.

Architectural approval is also proposed in order to convert a portion of the building into an outdoor seating area and make other associated architectural improvements. The restaurant will have a total of 4,000 square feet, which includes 3,400 square feet of indoor space and 560 square feet of outdoor seating. For an illustration of the building's architecture please refer to **Attachment E**.

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*, as outlined below:

1. Parcel size: The site contains 49.9+ acres, which exceeds the minimum

area required for CG-designated property of 40,000 square

feet.

2. Parcel width: The site is 2,193 feet wide, which exceeds the minimum

parcel width of 150 feet of frontage.

3. Setbacks: The proposed building conversion 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.

8. Stacking/Bypass: The applicant has provided the required number of queuing

spaces. However, a variance request was submitted for the required 10-foot bypass lane for the drive through portion of

the restaurant.

Overall, the proposed Site Plan, Special Exception and Architecture meet all of the Village's requirements for this type of use in the General Commercial (CG) Zoning District and the design standards for a "Restaurant with drive through" of Village Code with the exception of the Parking Variance request from Section 23-49 (B)(18)b. to not provide a continuous bypass lane for the drive-through.

## VI. Disposition Options:

Recommend: Approval of the application;

Denial of the application.

# VII. Staff Recommendation:

Staff is recommending Approval of Application No. 21-116 (SPM, SE, AAR) and Resolution 22-09, subject to the approval of Variance Application 21-115 (PVAR) and Variance Order VC-22-02.

# VIII. Hearing History:

Planning and Zoning Commission:

The Planning and Zoning Commission considered the application on April 26, 2022, and recommended approval by a vote of 5-0.

# Attachment A Legal Description Starbucks @ Southern Palm Crossing 21-116 (SPM, SE, AAR) Resolution 22-09

Directly below is the Legal Description:



That sectain land situated in the County of Palm Beach, State of Florida, and described as follows:

Trace A of Southern Palm Crossing, according to the Plat thereof as recorded in Plat Book 107, Pages 188, through 188, of the Public Records of Palm Beach County, Florida, LESS AND EXCEPT the following parcel conveyed to the State of Florida Department of Transportation by the deed recorded in Official Records Book 23291, Page 1637, of the Public Records of Palm Beach County, Florida:

A portion of Fract "A", Southern Palm Crossing, according to the Plat thereof as recorded in Plat Book 107, Pages 185 through 188, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the South west corner of said Tract "A"; thence South 88 degrees 17 minutes 03 seconds East, along the South line of said Tract "A", a distance of 270.02 feet to the Point of Beginning of herein described parcel of land; thence North 46 degrees 34 minutes 56 seconds East, a distance of 12.79 feet; thence South 88 degrees 25 minutes 04 seconds East, a distance of 351.98 feet; thence South 73 degrees 50 minutes 36 seconds East, a distance of 36.00 feet to a point on the South line of said Tract "A" thence North 88 degrees 27 minutes 53 seconds West, along said South line, a distance of 287.82 feet; thence continue along said South line, North 88 degrees 17 minutes 03 seconds West, a distance of 108.05 feet to the Point of Beginning.

Bearings shown hereon are based on the West line of said Plat, said line bearing North 01 degrees 19 minutes 16 seconds East and all other bearings being relative thereto.

# Attachment B Conditions of Approval Starbucks @ Southern Palm Crossing 21-116 (SPM, SE, AAR) Resolution 22-09

### 1. Development Order:

This development order constitutes approval for:

Major Site Plan Modification, Special Exception, and Architectural Approval to allow a "Restaurant with drive-through" at an existing building located at 11001 Southern Boulevard within the Southern Palm Crossing Shopping Center.

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:

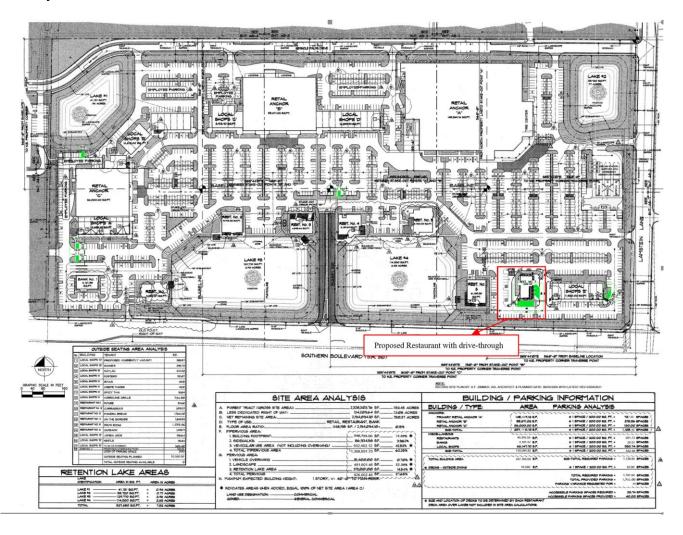
- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. The site shall be maintained free of all trash at all times.

## 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. Vegetation removal shall not commence until a vegetation removal permit have been issued.
- C. 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.
- D. 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.
- E. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

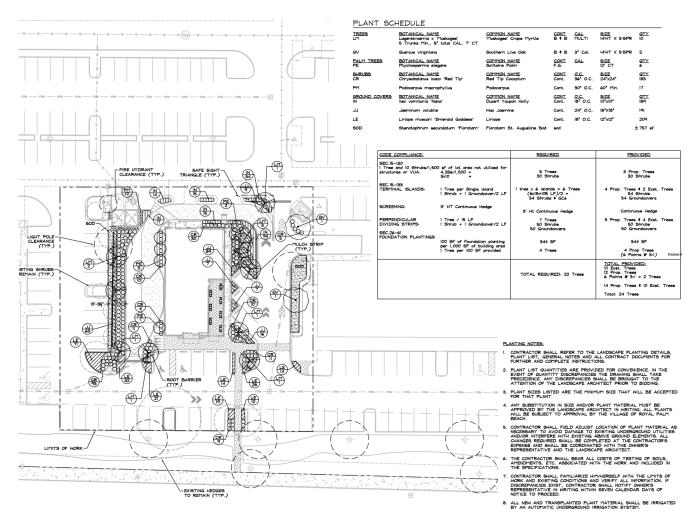
# Attachment C Site Plan Starbucks @ Southern Palm Crossing 21-116 (SPM, SE, AAR) Resolution 22-09

Directly below is an illustration of the Site Plan:



# Attachment D Landscape Plan Starbucks @ Southern Palm Crossing 21-116 (SPM, SE, AAR) Resolution 22-09

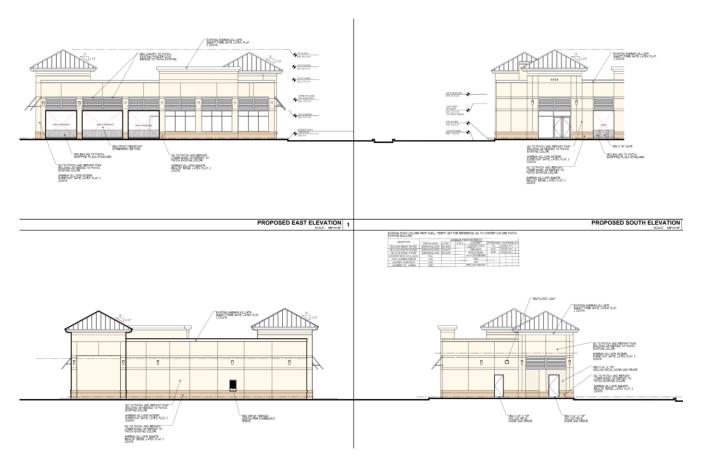
# Directly below is an illustration of the Landscape Plan:





# Attachment E Architectural Plans Starbucks @ Southern Palm Crossing 21-116 (SPM, SE, AAR) Resolution 22-09

# Directly below is an illustration of the Architectural Plan:



#### **RESOLUTION NO. 22-09**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 21-116 (SPM, SE, AAR) – THE APPLICATION OF KIMLEY-HORN & ASSOCIATES ON BEHALF OF OWNER IVT SOUTHERN ROYAL PALM BEACH 1031 LLC - PERTAINING TO A SITE PLAN MODIFICATION, SPECIAL EXCEPTION, AND ARCHITECTURAL APPROVAL FOR A 4,000 SQUARE FOOT "RESTAURANT WITH DRIVETHROUGH" LOCATED AT 11001 SOUTHERN BOULEVARD WITHIN THE SOUTHERN PALM CROSSING SHOPPING CENTER, 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. 21-116 (SPM, SE, AAR) was presented to the Village Council at its public hearing conducted on May 19, 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, THAT APPLICATION NO. 21-116 (SPM, SE, AAR), THE APPLICATION OF KIMLEY-HORN & ASSOCIATES ON BEHALF OF OWNER IVT SOUTHERN ROYAL PALM BEACH 1031 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 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 19th day of May, 2022.	
	VILLAGE OF ROYAL PALM BEACH
	MAYOR FRED PINTO
ATTEST:	(SEAL)
DIANE DISANTO, VILLAGE CLERK	

# Exhibit A Legal Description Starbucks @ Southern Palm Crossing Application 21-116 (SPM, SE, AAR) Res. 22-09

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## Exhibit C Site Plan Starbucks @ Southern Palm Crossing Application 21-116 (SPM, SE, AAR) Res. 22-09

