

Agenda Item #   R - 2  

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 22-164 (LW), AN APPLICATION BY INVESTMENT EQUITY GROUP III, LLC, FOR THE CONSIDERATION OF A LANDSCAPE WAIVER FROM VILLAGE CODE SECTION 15-133 (D)(2), TO ALLOW FOR A REDUCED LANDSCAPE ISLAND WIDTH OF 5 FEET NORTH OF THE DUMPSTER AND 3 FEET ON THE SOUTHWEST CORNER OF THE SITE WHERE VILLAGE CODE REQUIRES 8 FEET, WAIVERS OF 3 FEET AND 5 FEET RESPECTIVELY, FOR A PROPERTY LOCATED AT 11710 OKEECHOBEE BOULEVARD WITHIN THE VILLAGE CENTER; BY AGENT BRIAN TERRY, INSITE STUDIO, INC.**

The Applicant is requesting a Landscape Waiver from Village Code Sec. 15-133(d)(2) *Single Terminal Islands*. This Code section requires each Landscape Island shall be at least eight (8) feet wide, exclusive of walkways and curbing. The Applicant is requesting a Landscape Waiver from this section to allow for a reduced landscape island width of 5 feet north of the dumpster and 3 feet at the southwest corner of the site where Village Code requires 8 feet, waivers of 3 feet and 5 feet respectively.

This Landscape Waiver request is in conjunction with a Parking Variance, Site Plan Modification, Special Exception, and Architectural Approval request in order to allow the development of a “Restaurant with drive-through” (Starbucks) within the Village Center located at the southwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard.

The Applicant contends that the Landscape Waiver is needed to accommodate the site improvements.

Staff is recommending Approval of this Landscape Waiver request and generally concurs with the Applicant’s assessment; and Staff believes that this is the minimum waiver necessary to allow reasonable use of the property. Furthermore, the affected areas will contain all Village Code required landscape material for Terminal Islands. Please refer to **Attachment A** for an illustration of the Landscape Plan showing the area affected by the Landscape Waiver.

The Planning and Zoning Commission considered this application on February 28, 2023 and recommended Approval by a vote of 4-0.

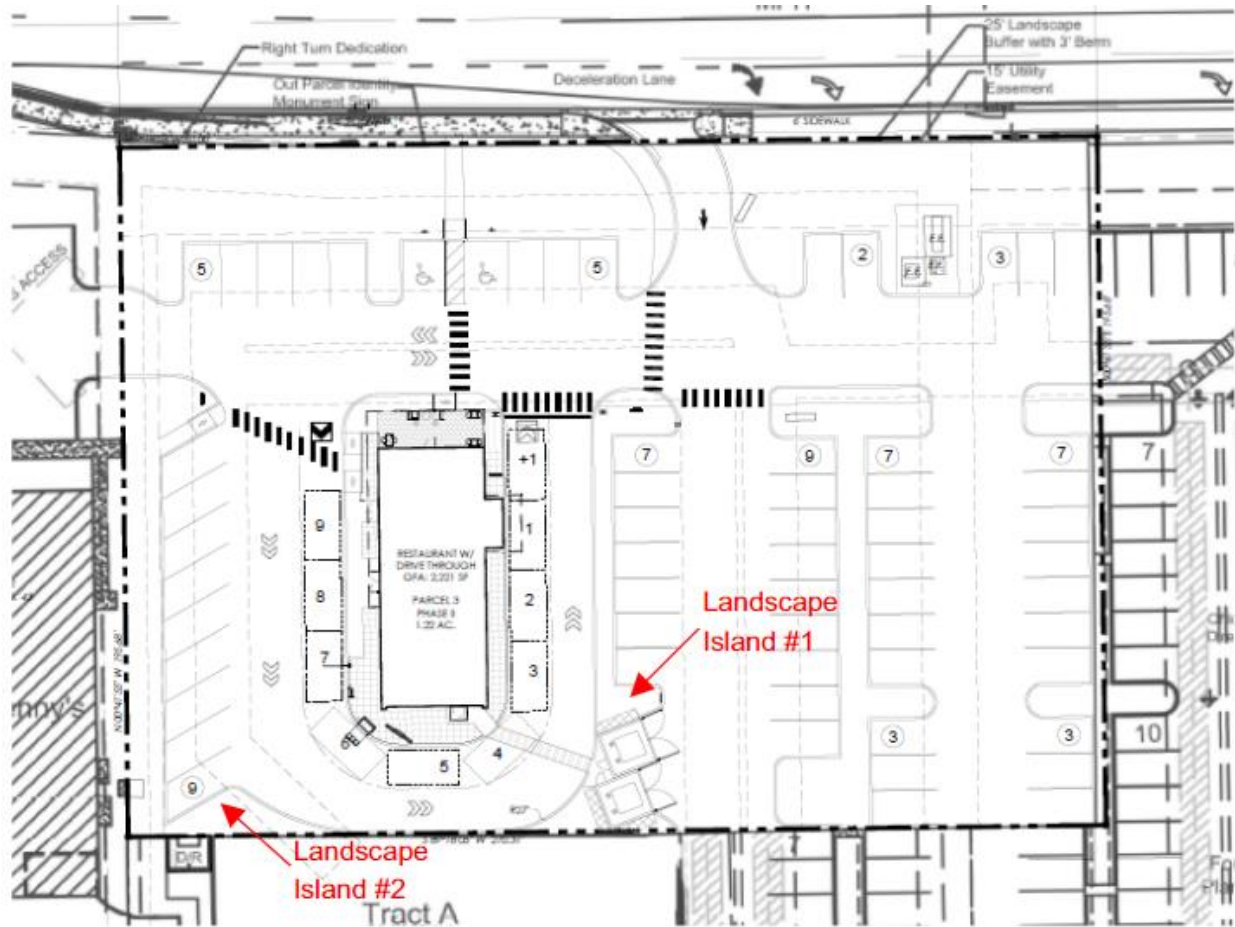
**Recommended Action:**

Staff is recommending Approval of Application 22-164 (LW) and Landscape Waiver No. 23-01.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-16-2023	Action

## Attachment A

Directly below is an illustration of the Landscape islands affected by this waiver.



Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-16-2023	Action

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**ORDER OF THE VILLAGE COUNCIL  
VILLAGE OF ROYAL PALM BEACH  
Chapter 15. Landscape Waiver**

**CASE NO. LW-23-01**

**IN RE:     Application No. 22-164(LW) – Starbucks @ Village Center**

**Legal Description:**

Attached as Exhibit “A”

**ORDER APPROVING APPLICATION**

This cause came to be heard upon the above application and the Royal Palm Beach Village Council having considered the evidence presented by the applicant and other interested persons at a hearing called and properly noticed on March 16, 2023, and the Royal Palm Beach Village Council being otherwise advised.

**THEREUPON**, the Village Council of the Village of Royal Palm Beach finds as follows:

1.     The property which is the subject of said application is classified and zoned within the General Commercial (CG) District by the Zoning Code of the Village of Royal Palm Beach and the zoning map made a part thereof by reference.
2.     The applicant is seeking a landscape waiver from the Village of Royal Palm Beach Code of Ordinances at Sec. 15-133 (d) (2) to allow for a reduced landscape island width of 5 feet north of the dumpster and 3 feet on the southwest corner of the site where Village Code requires 8 feet, waivers of 3 feet and 5 feet respectively.
3.     Under the provisions of Sec. 15-37 of the Village Code of Ordinances, the Village Council has the right, power and authority to act upon the application herein made.
4.     In accordance with the requirement of Section 15-37 to specify the duration of the waiver, the Village Council holds that this grant of

Landscape Waiver shall continue as long as the Project exists on this site.

5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:

The application in connection with **Landscape Waiver Order, LW-23-01**, with reference to the Starbucks @ Village Center project in the Village of Royal Palm Beach, Florida is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

**The applicant meets the landscape objectives as allowed by Section 15-37 of the Village Code of Ordinances.**

**Done and ordered this 16th day of March, 2023.**

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Mayor Fred Pinto  
Village of Royal Palm Beach

Attest:

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Diane DiSanto, Village Clerk

**Exhibit A**  
**Legal Description**  
**Starbucks @ Village Center**  
**Application No. 22-164 (LW)**  
**LW-23-01**

LEGAL DESCRIPTION:

Directly Below is the Legal Description

**PROPERTY ADDRESS:**

11710 Okeechobee Blvd  
Royal Palm Beach, FL 33411

**LEGAL DESCRIPTION:**

Parcel 2, **VILLAGE CENTER AT ROYAL PALM BEACH**, recorded in Plat Book 108, Pages 114 and 115, of the Public Records of Palm Beach County, Florida.

**LESS AND EXCEPT** a parcel of land in the Northwest Quarter of Section 26, Township 43 South, Range 41 East, Village of Royal Palm Beach, Palm Beach County, Florida, being a portion of Lot 3 of the plat of Tract One-Fifteen, recorded in Plat Book 68, Page 43, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

**BEGIN** at the Northwest corner of said lot 3;

Thence along the North boundary of said plat, S86°34'50" E for 60.16 feet;

Thence departing said plat boundary, S 89°18'05" W for 60.00 feet to the West line of said Lot 3;

Thence along said West line, N 00°41'55" W for 4.32 feet to the POINT OF BEGINNING.