

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 22-127 (SPM, SE, AAR), AN APPLICATION BY INVESTMENT EQUITY GROUP III, LLC, AND ADOPTION OF RESOLUTION 23-01 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SITE PLAN MODIFICATION, SPECIAL EXCEPTION USE, AND ARCHITECTURAL APPROVAL TO ALLOW A “RESTAURANT WITH DRIVE-THROUGH” FOR A PROPERTY LOCATED AT 11710 OKEECHOBEE BOULEVARD WITHIN THE VILLAGE CENTER; BY AGENT BRIAN TERRY.**

**Issue:**

The Applicant is seeking approval for a Site Plan Modification, Special Exception Use, and Architectural Approval in order to allow a “Restaurant with drive-through”. The proposed “Restaurant with drive-through” will have a total of 2,519 square feet, which includes 2,221 square feet of indoor space and 298 square feet of outdoor seating. The intent is to develop the site into a Starbucks coffee shop. The property is located at 11710 Okeechobee Boulevard within the Village 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 exceptions of the Parking Variance requested from Sec. 23-51 (2) q. to provide 17 parking spaces where Village Code requires 42 spaces, a variance of 17 spaces; and the Landscape Waiver requested from 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 where Village Code requires 8 feet, waivers of 3 feet and 5 feet respectively.

Note that the Applicant has agreed to the following Staff recommended condition of approval regarding queueing on Okeechobee Boulevard which is included in Resolution No. 23-01:

The proposed driveway entrance is located on Okeechobee Boulevard. In order to prevent vehicles from queueing within the public right of way, the following conditions of approval shall be required. If during a 365 day period more than ten (10) independent SAFETY INCIDENTS occur; Starbucks shall be required to modify operations, up to and including closing the drive thru in an effort to eliminate future “SAFETY

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

INCIDENTS". "SAFETY INCIDENT" shall be defined as a single occurrence where the onsite vehicle queue extends beyond the North property line for a period exceeding ten (10) seconds. Staged protests, traffic accidents and Village Council approved special events shall not be counted as a 'SAFTEY INCIDENT". Also, "SAFETY INCIDENTS" shall not be counted during the first thirty (30) calendar days that Starbucks is open for business in order to allow for a grand opening.

The Planning and Zoning Commission considered this application on February 28, 2023 and recommended Approval by a vote of 4-0, with the two conditions as stated by staff which included a requirement for modified operation if safety incidents arise from queueing within the public right-of-way on Okeechobee Boulevard or in the cross access area between the site and the adjoining Denny's.

**Recommended Action:**

Staff is recommending Approval of Application No. 22-127 (SPM, SE, AAR) and Resolution No. 23-01, subject to Council approval of Parking Variance Application No. 22-128 (PVAR) and Landscape Waiver Application No. 26-164 (LW).

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

# Village of Royal Palm Beach - Staff Report

## I. General Data:

Project Name: Starbucks @ Village Center

Application: 22-127 (SPM, SE, AAR)

Applicant: Investment Equity Group III, LLC  
8842 Elliotts Court  
Orlando, Florida 32836

Agent: Brian Terry  
Insite Studio, Inc.  
8144 Okeechobee Blvd, Suite A  
West Palm Beach, Florida 33411

Request: Site Plan Modification, Special Exception Use, and Architectural Approval to allow a 'Restaurant with drive-through' for a property located at 11710 Okeechobee Boulevard within the Village Center.

Hearings: Planning and Zoning Commission: February 28, 2023  
Village Council: March 16, 2023

Recommendation: Approval

## II. Site Data:

Site Area: 1.22± acres

Property Control Number: 72-41-43-26-28-002-0000

Existing Land Use: Commercial (Parking lot / vacant)

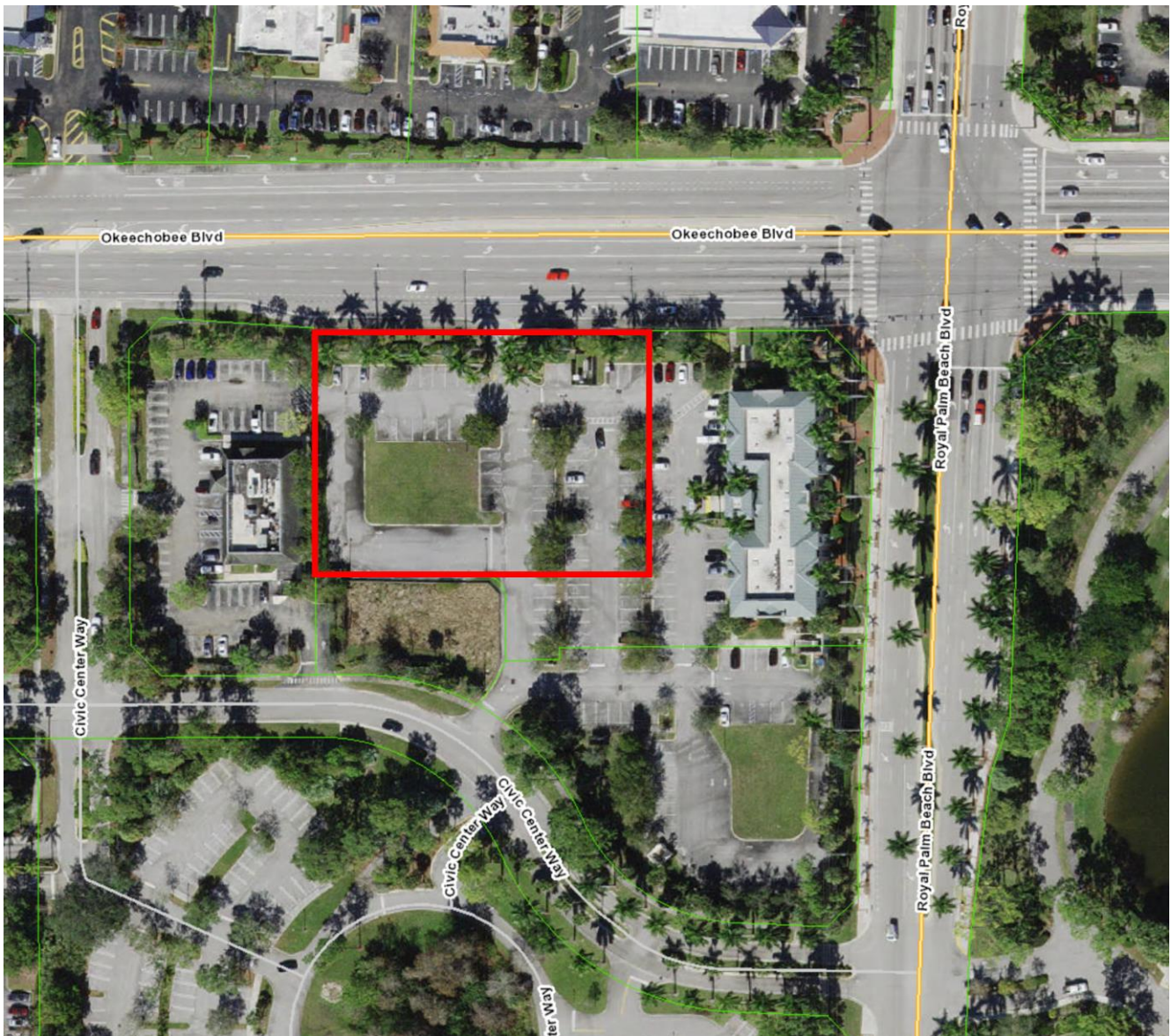
Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

**Table 1: Adjacent Existing, Future Land Uses, and Zoning**

Dir.	Existing Use:	FLUM:	Zoning:
North	Village Royale Shopping Center	Commercial (COM)	General Commercial (CG)
South	Village Center PCD	Commercial (COM)	General Commercial (CG)
East	Village Center PCD	Commercial (COM)	General Commercial (CG)
West	Village Center PCD	Commercial (COM)	General Commercial (CG)

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 a “Restaurant with drive-through” within the Village Center. The proposed “Restaurant with drive-through” will have a total of 2,519 square feet, which includes 2,221 square feet of indoor space and 298 square feet of outdoor seating. The intent is to develop the site into a Starbucks coffee shop. The property is located at 11710 Okeechobee Boulevard within the Village Center and situated within the General Commercial (CG) Zoning District.

#### **IV. History:**

The subject property is located on the Southwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard. The site was approved as a Planned Commercial Development (PCD) on July 6, 2006 through the adoption of Resolution No. 06-27.

#### **V. Analysis:**

The Applicant is seeking approval for a Site Plan Modification, Special Exception Use, and Architectural Approval in order to allow a 'Restaurant with drive-through' within the Village Center. The proposed "Restaurant with drive-through" will have a total of 2,519 square feet, which includes 2,221 square feet of indoor space and 298 square feet of outdoor seating. The intent is to develop the site into a Starbucks coffee shop. The property is located at 11710 Okeechobee Boulevard within the Village Center and situated within the General Commercial (CG) Zoning District.

The proposed site improvements include 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 being requested for the new building and outdoor seating area. The restaurant will have a total of 2,519 square feet, which includes 2,221 square feet of indoor space and 298 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 1.22± acres, which exceeds the minimum area required for CG-designated property of 40,000 square feet.   |
| 2. | Parcel width:         | The site is 270 feet wide, which 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: | A Parking Variance Application No. 22-128 (PVAR) was submitted requesting a reduction in the amount of parking spaces required and is being reviewed concurrently with |

the site plan application. Also, the property is part of the Village Center Planned Commercial Development (PCD), and additional available parking is provided throughout the PCD.

6. Landscape Areas: A Landscape Waiver Application No. 22-164 (LW) was submitted requesting a reduction in the landscape island widths at two (2) locations within the site and is being reviewed concurrently with the site plan. Aside from the Landscape Waiver request 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.

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 exceptions of the Parking Variance requested from Sec. 23-51 (2) q. to provide 17 parking spaces where Village Code requires 42 spaces, a variance of 17 spaces; and the Landscape Waiver from 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 where Village Code requires 8 feet, waivers of 3 feet and 5 feet respectively.

#### **VI. Disposition Options:**

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

#### **VII. Staff Recommendation:**

Staff is recommending Approval of Application No. 22-127 (SPM, SE, AAR) and Resolution No. 23-01, subject to Council approval of Parking Variance Application No. 22-128 (PVAR) and Landscape Waiver Application No. 26-164 (LW).

#### **VIII. Hearing History:**

*Planning and Zoning Commission:*

The Planning and Zoning Commission considered this application on February 28, 2023 and recommended Approval by a vote of 4-0, with the two conditions as stated by staff which included a requirement for modified operation if safety incidents arise from queueing within the public right-of-way on Okeechobee Boulevard or in the cross access area between the site and the adjoining Denny's.

**Attachment A**  
**Legal Description**  
**Starbucks @ Village Center**  
**Application No. 22-127 (SPM, SE, AAR)**  
**Resolution No. 23-01**

Directly below is the Legal Description:

**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.



**Attachment B**  
**Conditions of Approval**  
**Starbucks @ Village Center**  
**Application No. 21-127 (SPM, SE, AAR)**  
**Resolution No. 23-01**

**1. Development Order:**

This development order constitutes approval for:

Major Site Plan Modification, Special Exception Use, and Architectural Approval to allow a 2,519 square foot "Restaurant with drive-through" with 2,221 square feet of indoor space and 298 square feet of outdoor seating, for a property located at 11710 Okeechobee Boulevard within the Village 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.
- C. The proposed driveway entrance is located on Okeechobee Boulevard. In order to prevent vehicles from queueing within the public right of way, the following conditions of approval shall be required. If during a 365 day period more than ten (10) independent SAFETY INCIDENTS occur; Starbucks shall be required to modify operations, up to and including closing the drive thru in an effort to eliminate future "SAFETY INCIDENTS". "SAFETY INCIDENT" shall be defined as a single occurrence where the onsite vehicle queue extends beyond the North property line for a period exceeding ten (10) seconds. Staged protests, traffic accidents and Village Council approved special events shall not be counted as a 'SAFTEY INCIDENT". Also, "SAFETY INCIDENTS" shall not be counted during the first thirty (30) calendar days that Starbucks is open for business in order to allow for a grand opening.

**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.

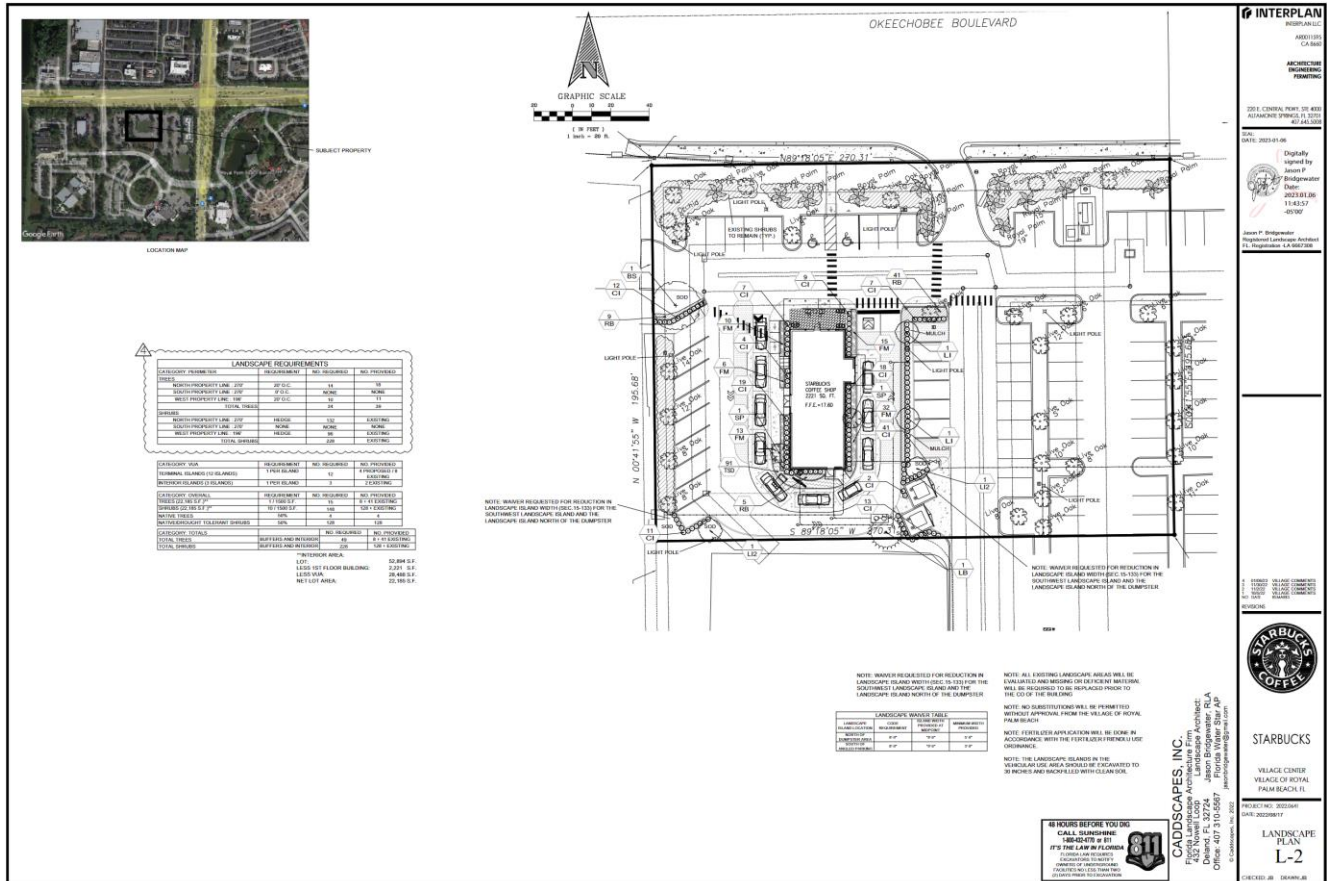
- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating 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. 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.
- H. 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.
- I. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- J. 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.
- K. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

#### **4. 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.

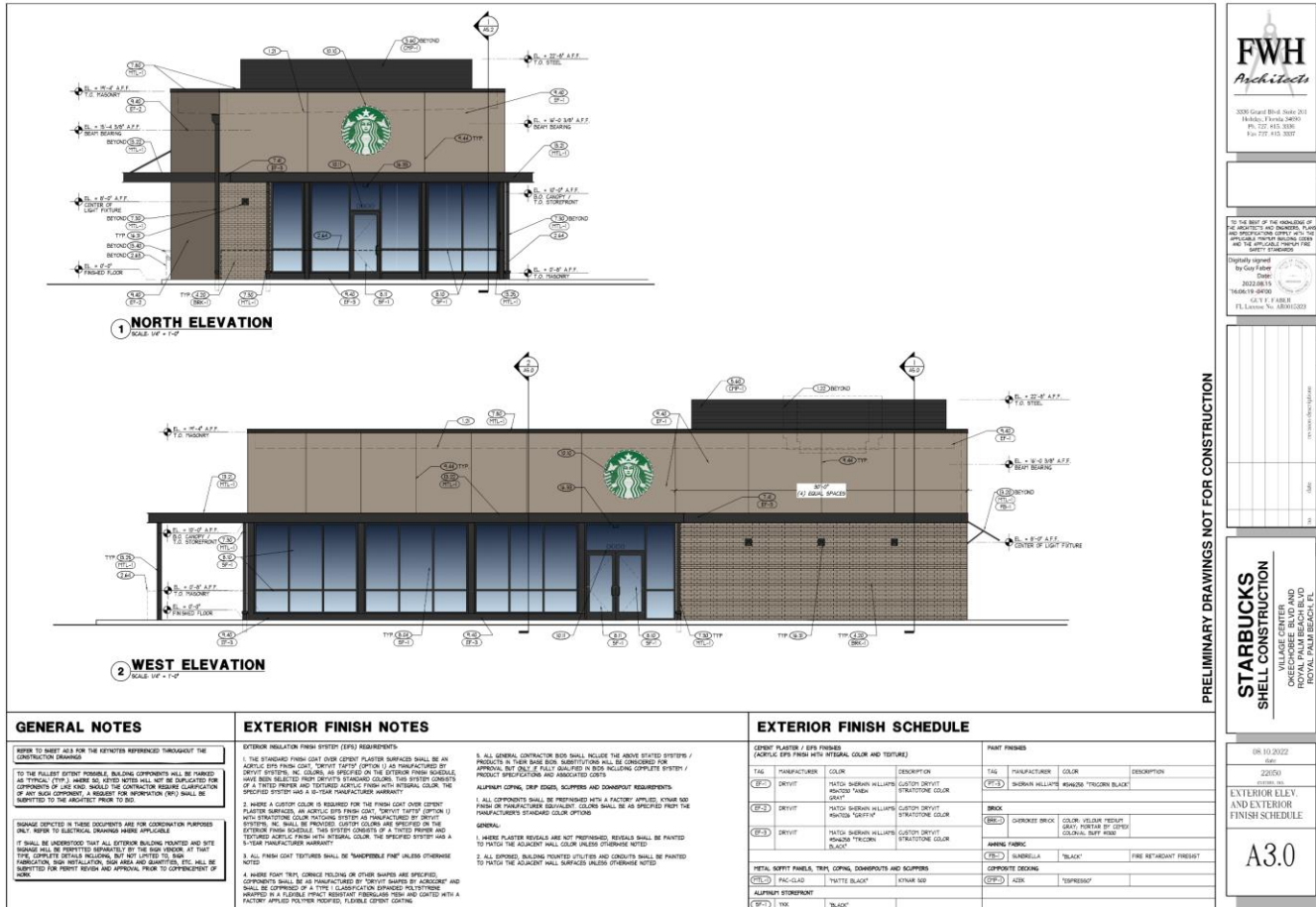
- D. The practice of “hat racking” defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree’s crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall 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 E**  
**Architectural Plans**  
**Starbucks @ Village Center**  
**Application No. 22-127 (SPM, SE, AAR)**  
**Resolution No. 23-01**

Directly below is an illustration of the Architectural Plan:







**RESOLUTION NO. 23-01**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 22-127 (SPM, SE, AAR) – THE APPLICATION OF INVESTMENT EQUITY GROUP III, LLC - PERTAINING TO A SITE PLAN MODIFICATION, SPECIAL EXCEPTION, AND ARCHITECTURAL APPROVAL FOR A 2,221 SQUARE FOOT “RESTAURANT WITH DRIVE-THROUGH” WITH OUTDOOR SEATING LOCATED ON A 1.22± ACRE PARCEL OF LAND LOCATED AT 11710 OKEECHOBEE 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. 22-127 (SPM, SE, AAR) was presented to the Village Council at its public hearing conducted on March 16, 2023; 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. 22-127 (SPM, SE, AAR), THE APPLICATION OF INVESTMENT EQUITY GROUP III, 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 16th day of March, 2023.



VILLAGE OF ROYAL PALM BEACH

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MAYOR FRED PINTO

ATTEST:

(SEAL)

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DIANE DISANTO, VILLAGE CLERK

**Exhibit A**  
**Legal Description**  
**Starbucks @ Village Center**  
**Application 22-127 (SPM, SE, AAR)**  
**Resolution No. 23-01**

LEGAL DESCRIPTION:

**PROPERTY ADDRESS:**

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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.
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- 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.

**5. Planning and Zoning Commission:**

**FLU = COM Zoning = CG**

**STARBUCKS - PARCEL 3**  
 Village Center  
 Village Of Royal Palm Beach, FL.

**PARKING VARIANCE TABLE**

NO.	APPLICABLE SECTION	NO. OF SPACES	NO. OF SPACES	NO. OF SPACES	NO. OF SPACES	NO. OF SPACES
1	SECTION 1	100	100	100	100	100
2	SECTION 2	100	100	100	100	100
3	SECTION 3	100	100	100	100	100
4	SECTION 4	100	100	100	100	100
5	SECTION 5	100	100	100	100	100
6	SECTION 6	100	100	100	100	100
7	SECTION 7	100	100	100	100	100
8	SECTION 8	100	100	100	100	100
9	SECTION 9	100	100	100	100	100
10	SECTION 10	100	100	100	100	100
11	SECTION 11	100	100	100	100	100
12	SECTION 12	100	100	100	100	100
13	SECTION 13	100	100	100	100	100
14	SECTION 14	100	100	100	100	100
15	SECTION 15	100	100	100	100	100
16	SECTION 16	100	100	100	100	100
17	SECTION 17	100	100	100	100	100
18	SECTION 18	100	100	100	100	100
19	SECTION 19	100	100	100	100	100
20	SECTION 20	100	100	100	100	100
21	SECTION 21	100	100	100	100	100
22	SECTION 22	100	100	100	100	100
23	SECTION 23	100	100	100	100	100
24	SECTION 24	100	100	100	100	100
25	SECTION 25	100	100	100	100	100
26	SECTION 26	100	100	100	100	100
27	SECTION 27	100	100	100	100	100
28	SECTION 28	100	100	100	100	100
29	SECTION 29	100	100	100	100	100
30	SECTION 30	100	100	100	100	100
31	SECTION 31	100	100	100	100	100
32	SECTION 32	100	100	100	100	100
33	SECTION 33	100	100	100	100	100
34	SECTION 34	100	100	100	100	100
35	SECTION 35	100	100	100	100	100
36	SECTION 36	100	100	100	100	100
37	SECTION 37	100	100	100	100	100
38	SECTION 38	100	100	100	100	100
39	SECTION 39	100	100	100	100	100
40	SECTION 40	100	100	100	100	100
41	SECTION 41	100	100	100	100	100
42	SECTION 42	100	100	100	100	100
43	SECTION 43	100	100	100	100	100
44	SECTION 44	100	100	100	100	100
45	SECTION 45	100	100	100	100	100
46	SECTION 46	100	100	100	100	100
47	SECTION 47	100	100	100	100	100
48	SECTION 48	100	100	100	100	100
49	SECTION 49	100	100	100	100	100
50	SECTION 50	100	100	100	100	100
51	SECTION 51	100	100	100	100	100
52	SECTION 52	100	100	100	100	100
53	SECTION 53	100	100	100	100	100
54	SECTION 54</					