

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 21-30 (SPM, AAR, SE) AN APPLICATION BY JONI BRINKMAN AND ADOPTION OF RESOLUTION 21-19 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN, ARCHITECTURAL APPROVAL, AND SPECIAL EXCEPTION USE APPROVAL FOR A “RESTAURANT WITH DRIVE-THROUGH” FOR A 1.3± ACRE PARCEL OF LAND LOCATED ON THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND STATE ROAD 7; BY RAISING CANE’S RESTAURANTS, LLC.**

**Issue:**

The applicant is requesting Site Plan Modification, Special Exception Use, and Architectural Approval in order to redevelop a 3,267 square foot “Restaurant with drive-through” on a 1.3± acre outparcel within the center formerly known as the Target Sopping Center Planned Commercial Development (PCD). The subject site is currently occupied by Applebee’s Restaurant. The “Restaurant with drive-through” is listed as a Special Exception use in the General Commercial (CG) Zoning District.

The applicant is also seeking Architectural approval for the building architecture colors, signs and landscape plan.

This item was considered by the Planning and Zoning Commission at its regular meeting on September 28, 2021 and was recommended for Approval by a vote of 5-0, with the condition that if Sign Variance #2 regarding the cabinet signs is not granted by the Village Council, that the applicant shall revise the AAR application to reflect reduced cabinet sign sizes.

**Recommended Action:**

Staff is recommending Approval of Application No. 21-30 (SP, AAR, SE) and Resolution 21-19. This recommendation is contingent upon the approval of the parking variance, landscape waiver, and sign variance.

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Approval	10-21-2021	Action

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# Village of Royal Palm Beach - Staff Report

## I. General Data:

Project Name: Raising Canes

Application: 21-30 (SPM, AAR, SE)

Applicant/Owner: Raising Cane's Restaurants, LLC.  
6800 Bishop Road  
Plano, TX 75024

Agent: Joni Brinkman/Lentzy Jean-Louis  
Urban Design Studio  
610 Clematis Street, Suite CU02  
West Palm Beach, FL 33401

Request: Site Plan Modification, Architectural Approval and Special Exception Approval to allow a Restaurant with Drive-through for the existing building, located on the northeast corner of Southern Boulevard and State Road 7.

Hearings: Planning and Zoning Commission: September 28, 2021  
Village Council: October 21, 2021

Recommendation: Approval

## II. Site Data:

Site Area: 1.3 ± acres

Property Control Numbers: 72-42-43-27-05-008-0163

Existing Land Use: Restaurant, without Drive-through

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

<b>Table 1: Adjacent Existing, Future Land Uses, and Zoning</b>			
<b>Dir.</b>	<b>Existing:</b>	<b>FLUM:</b>	<b>Zoning:</b>
<i>North</i>	Mecca Commercial	Commercial (COM)	General Commercial (CG)
<i>South</i>	Palm Beach County	Commercial High (CH, PBC)	General Commercial (CG, PBC)
<i>East</i>	United Auto	Industrial (IND)	Limited Industrial (IL)
<i>West</i>	Southern Center	Commercial (COM)	General Commercial (CG)

**Directly Below is a Map Showing the Location of the Site:**



### **III. Intent of Petition:**

The applicant is requesting Site Plan Modification, Special Exception Use, and Architectural Approval in order to redevelop a 3,267 square foot “Restaurant with drive-through” on a 1.3± acre outparcel within the center formerly known as the Target Sopping Center Planned Commercial Development (PCD). The subject site is currently occupied by Applebee’s Restaurant. The “Restaurant with drive-through” is listed as a Special Exception use in the General Commercial (CG) Zoning District.

The applicant is also seeking Architectural approval for the building architecture colors, signs and landscape plan.

### **IV. History:**

The subject property is located on the northeast corner of Southern Boulevard and State Road 7. This site received Site Plan approval for a “Restaurant, Without Drive-through” on June 6, 1996 through the approval of Resolution 96-25. The site is currently occupied by Applebee’s Restaurant. Subsequently Applebee’s received a sign variance for a reduced setback for the monument sign to allow the monument sign to be placed on the property line, on January 7, 1999.

## V. Analysis:

The applicant is requesting Site Plan Modification, Special Exception Use, and Architectural Approval in order to redevelop a 3,267 square foot “Restaurant with drive-through” on a 1.3± acre outparcel within the center formerly known as the Target Sopping Center Planned Commercial Development (PCD). The subject site is currently occupied by Applebee’s Restaurant and the Applicant intends on demolishing the building and reconstructing a new building for the “Restaurant with drive-through”. “Restaurant with drive-through” is listed as a Special Exception use in the General Commercial (CG) Zoning District. The “Restaurant with drive-through” will include a 366 square foot outdoor seating area. For an illustration of the Site Plan, please refer to **Attachment C**.

The Applicant is also seeking Architectural approval for the building’s architecture and color scheme; signage; along with the Landscape Plan. For an illustration of the Landscape Plan please refer to **Attachment D**; for an illustration of the building’s architecture and color scheme please refer to **Attachment E**; and for an illustration of the proposed signage please refer to **Attachment F**.

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 (CG) Zoning District; and Section 26-61 *Planned commercial developments*; as outlined below:

1. Parcel size: The site is 1.3± acres or 56,628 square feet which is greater in size than the minimum requirement of 40,000 square feet for General Commercial (CG) Zoning District.
2. Parcel width: The property has 180 feet of frontage on Southern Boulevard and 263 feet along State Road 7 which exceeds the minimum parcel width requirement of 150 feet.
3. Setbacks: The proposed building conforms to the setback standards for The General Commercial (CG) Zoning District.
4. Pervious area: The proposed Site Plan provides 36.2% of the site as pervious area which exceeds the minimum 25% required by Village Code.
5. Parking Requirements: The Applicant is requesting a parking variance to allow for a reduction of three (3) parking spaces to the Village Code required 59 parking spaces.
6. Landscape Areas: The Proposed Landscape Plan meets all of the minimum standards of Chapter 15 Landscaping with the exception of the waiver request to eliminate five (5) of the nine (9) required trees within the northern perpendicular divider strip.
7. Maximum Building Height: The applicant is proposing construction of a one-story building with a maximum height to the roof peak of 32 feet,

which is less than the 32 foot maximum height limitation for the district.

8. **Queuing Spaces/Bypass Lane:** The applicant has provided the required number of queuing spaces and the 10 foot bypass lane for the drive through portion of the restaurant. Village Code requires a total of 7 queuing spaces with at least 4 of those spaces occurring before the menu board. The proposed Site Plan meets this requirement.

Overall, the proposed site plan is in conformance with the Village's requirements for the General Commercial (CG) Zoning District, Special Exception Use Approvals and the Queuing Requirements of Village Code.

#### **VI. Staff Recommendation:**

Staff is recommending Approval of Application No. 21-30 (SP, AAR, SE) and Resolution 21-19. This recommendation is contingent upon the approval of the parking variance, landscape waiver, and sign variance.

#### **VII. Hearing History:**

##### *Planning and Zoning Commission:*

This item was considered by the Planning and Zoning Commission at its regular meeting on September 28, 2021 and was recommended for Approval by a vote of 5-0, with the condition that if Sign Variance #2 regarding the cabinet signs is not granted by the Village Council, that the applicant shall revise the AAR application to reflect reduced cabinet sign sizes.

**Attachment A  
Legal Description  
Raising Canes  
21-30 (SPM, AAR, SE)  
Resolution 21-19**

Directly below is the Legal Description:

**LEGAL DESCRIPTION:**

PARCEL I: (LEASEHOLD INTEREST)

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF TRACT 16, BLOCK 8, ACCORDING TO THE PLAT OF "THE PALM BEACH FARMS CO., PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE NORTH 01°33'47" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88°26'13" EAST, AT RIGHT ANGLES TO THE SAID EAST LINE OF SECTION 36, A DISTANCE OF 85.00 FEET TO THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 WITH A LINE PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE NORTH 01°33'47" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 263.50 FEET; THENCE SOUTH 89°56'32" EAST, A DISTANCE OF 217.00 FEET; THENCE SOUTH 00°03'28" WEST, A DISTANCE OF 224.00 FEET; THENCE NORTH 89°56'32" WEST, A DISTANCE OF 42.97 FEET; THENCE SOUTH 01°22'03" WEST, A DISTANCE OF 43.53 FEET, TO THE INTERSECTION WITH THE AFORESAID LINE BEING PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER RIGHT-OF-WAY LINE OF STATE ROAD NO. 80; THENCE NORTH 88°37'57" WEST, ALONG LASTLY SAID LINE, A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

PARCEL II: (APPURTENANT EASEMENT)

ACCESS EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED BY ACCESS, CROSS-PARKING AND NO-BUILD EASEMENT AGREEMENT BETWEEN DAYTON HUDSON CORPORATION, A MINNESOTA CORPORATION AND APPLE SOUTH, INC., A GEORGIA CORPORATION, RECORDED JUNE 24, 1996, IN OFFICIAL RECORDS BOOK 9320, PAGE 1182, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS AMENDED IN OFFICIAL RECORDS BOOK 22002, PAGE 1418, OVER, UNDER AND ACROSS THAT PORTION OF THE FOLLOWING DESCRIBED LANDS WHICH IS IDENTIFIED AS THE "ACCESS EASEMENT AREA" AND FURTHER IDENTIFIED BY CROSS-HATCHED MARKS ON THE SITE PLAN SET FORTH ON EXHIBIT "C" OF SAID AGREEMENT:

TRACTS 15, 18, THAT PART OF TRACT 21, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 80, AND A 30-FOOT ABANDONED ROAD LYING BETWEEN TRACTS 16 AND 21, ALL IN BLOCK 8, "THE PALM BEACH FARMS CO. PLAT NO. 3", RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PALM BEACH COUNTY RECORDS, EXCEPTING THEREFROM THE NORTH 30 FEET OF TRACT 15, THE EAST 70 FEET OF TRACTS 15, 16 AND 21 AND THE EAST 70 FEET OF THAT PART OF THE ABANDONED ROAD WHICH LIES WEST OF THE EAST LINE OF TRACT 16 IF PROJECTED SOUTHERLY TO THE NORTHEAST CORNER OF TRACT 21 AND ALSO EXCEPTING THAT CERTAIN PARCEL OF LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND AT THE NORTHEAST CORNER OF THE FOLLOWING INTERSECTION OF STATE ROAD NO. 80 AND STATE ROAD NO. 7 FRONTING 175 FEET ON STATE ROAD NO. 80 AND 250 FEET ON STATE ROAD NO. 7 WHICH SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED AS THE SOUTH 250 FEET OF THE WEST 175 FEET OF THAT PART OF TRACTS 16 AND 21 BLOCK 8, "THE PALM BEACH FARMS CO. PLAT NO. 3", LYING NORTH OF THE RIGHT-OF-WAY OF STATE ROAD NO. 80 AND INCLUDING THE 30-FOOT ABANDONED ROAD RIGHT-OF-WAY BETWEEN SAID TRACTS 16 AND 21.

LESS AND EXCEPT THE FOLLOWING: THE NORTH 467 FEET OF SAID TRACT 15; STATE ROAD 7 RIGHT-OF-WAY AND THE FOLLOWING DESCRIBED PARCEL:

THAT PART OF TRACTS 16 AND 21 IN BLOCK 8, OF "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Directly below is the legal description contued:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE NORTH 01°34'02" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1445.96 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE SOUTH 88°37'42" EAST, ALONG THE BASELINE OF SURVEY FOR STATE ROAD 80, A DISTANCE OF 85.17 FEET; THENCE NORTH 01°22'18" EAST A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE SOUTH 88°37'42" EAST, A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°37'42" EAST, A DISTANCE OF 216.43 FEET; THENCE SOUTH 88°31'04" EAST, A DISTANCE OF 571.31 FEET; THENCE NORTH 00°57'59" WEST, A DISTANCE OF 57.09 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A CHORD BEARING OF NORTH 87°52'02" WEST; THENCE WESTERLY ALONG SAID CURVE HAVING A RADIUS OF 11,496.16 FEET, THROUGH AN ANGLE OF 01°18'04", AN ARC DISTANCE OF 261.06 FEET TO THE END OF SAID CURVE; THENCE NORTH 88°31'04" WEST, A DISTANCE OF 307.79 FEET; THENCE NORTH 85°03'50" WEST, A DISTANCE OF 192.80 FEET; THENCE NORTH 88°37'42" WEST, A DISTANCE OF 23.93 FEET; THENCE SOUTH 01°34'02" WEST, A DISTANCE OF 72.00 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS FOLLOWS:

BEING A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO LYING IN A PORTION OF TRACTS 15, 16 AND 21, BLOCK 8, AND INCLUDING A PORTION OF AN ABANDONED 30 FOOT RIGHT-OF-WAY, ACCORDING TO THE PLAT OF "THE PALM BEACH FARMS CO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (BEARINGS HEREIN ARE BASED ON THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, WHICH BEARS NORTH 01°33'47" EAST), SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 01°33'47" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88°26'13" EAST, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 36, A DISTANCE OF 85.00 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, WITH A LINE PARALLEL WITH AND 250 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 80 AND THE POINT OF BEGINNING; THENCE NORTH 01°33'47" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 665.07 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 467.00 FEET OF SAID TRACT 15; THENCE NORTH 89°01'09" EAST, ALONG SAID SOUTH LINE A DISTANCE OF 921.73 FEET TO THE INTERSECTION OF THE WEST LINE OF THE EAST 70 FEET OF SAID TRACTS 15 AND 16; THENCE SOUTH 01°01'20" EAST, ALONG SAID WEST LINE A DISTANCE OF 897.71 FEET TO A POINT OF INTERSECTION WITH THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD NO. 80) SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 11,496.16 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 87°52'07" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°18'24", A DISTANCE OF 262.16 FEET; THENCE NORTH 88°31'19" WEST, ALONG SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 307.79 FEET; THENCE NORTH 85°03'50" WEST, ALONG SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 192.79 FEET; THENCE NORTH 88°37'57" WEST, ALONG SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 23.93 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE WEST 175.00 FEET OF SAID TRACT 16; THENCE NORTH 01°33'47" EAST, ALONG THE EAST LINE OF SAID WEST 175.00 FEET, A DISTANCE OF 178.00 FEET TO A POINT 250.00 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD NO.80) THENCE NORTH 88°37'57" WEST, A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING.

Directly below is the legal description contued:

ALSO LESS AND EXCEPT THE FOLLOWING:

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF TRACT 16, BLOCK 8, ACCORDING TO THE PLAT OF "THE PALM BEACH FARMS CO. PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE NORTH 01°33'47" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88°26'13" EAST, AT RIGHT ANGLES TO THE SAID EAST LINE OF SECTION 36, A DISTANCE OF 85.00 FEET TO THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 WITH A LINE PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE NORTH 01°33'47" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 263.50 FEET; THENCE SOUTH 89°56'32" EAST, A DISTANCE OF 217.00 FEET; THENCE SOUTH 00°03'28" WEST, A DISTANCE OF 224.00 FEET; THENCE NORTH 89°56'32" WEST, A DISTANCE OF 42.97 FEET; THENCE SOUTH 01°22'03" WEST, A DISTANCE OF 43.53 FEET, TO THE INTERSECTION WITH THE AFORESAID LINE BEING PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER RIGHT-OF-WAY LINE OF STATE ROAD NO. 80; THENCE NORTH 88°37'57" WEST, ALONG LASTLY SAID LINE, A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

PARCEL II BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°33'47" EAST, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88°26'13" EAST, A DISTANCE OF 85.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE NORTH 01°33'47" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 289.04 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE CONTINUE NORTH 01°33'47" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 50.78 FEET; THENCE SOUTH 35°50'47" EAST, A DISTANCE OF 29.86 FEET; THENCE SOUTH 53°32'57" EAST, A DISTANCE OF 26.47 FEET; THENCE SOUTH 73°00'03" EAST, A DISTANCE OF 26.87 FEET; THENCE NORTH 89°29'07" EAST, A DISTANCE OF 200.28 FEET; THENCE SOUTH 00°55'15" EAST, A DISTANCE OF 248.92 FEET; THENCE SOUTH 88°36'42" WEST, A DISTANCE OF 33.45 FEET; THENCE NORTH 00°55'15" WEST, A DISTANCE OF 219.18 FEET; THENCE NORTH 89°56'32" WEST, A DISTANCE OF 192.53 FEET; THENCE NORTH 63°30'52" WEST, A DISTANCE OF 30.18 FEET; THENCE NORTH 48°21'26" WEST, A DISTANCE OF 18.23 FEET TO THE POINT OF BEGINNING.

**Attachment B**  
**Conditions of Approval**  
**Raising Canes**  
**21-30 (SPM, AAR, SE)**  
**Resolution No. 21-19**

**1. Development Order:**

This development order constitutes approval for:

Site Plan Modification, Architectural Approval, and Special Exception approval for a "Restaurant with Drive-through" in order to allow for a tear down and rebuild of an existing Applebee's Restaurant, resulting in a new 3,267 square foot "Restaurant with Drive-through", situated on a 1.3± acre parcel of land located on the northeast corner of Southern Boulevard and State Road 7.

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. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. The site shall be maintained free of all trash at all times.

**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 Sec. 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. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.
- C. 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.
- 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. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. 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.



- H. 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.
- I. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

**6. Planning & Zoning Commission Imposed Conditions:**

- A. Building and roof colors and materials, and landscaping shall be only that which was presented and approved by the Planning and Zoning Commission.



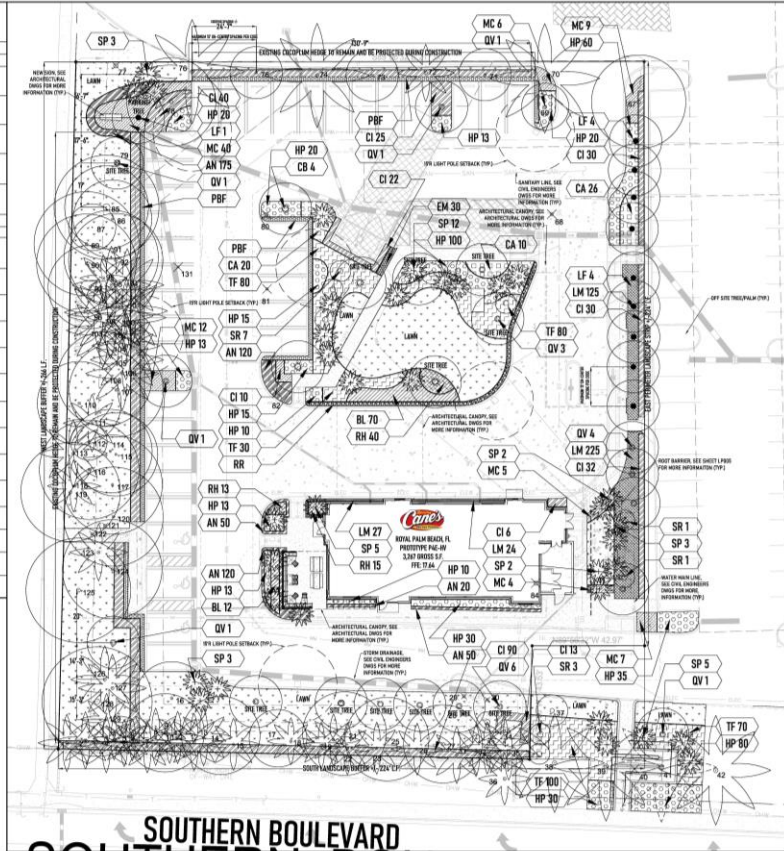
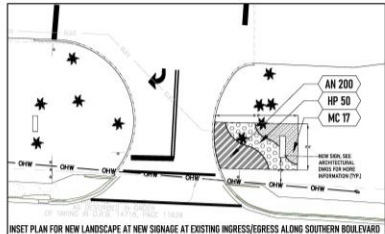
# Attachment D Landscape Plan Raising Canes 21-30 (SPM, AAR, SE) Resolution No. 21-19

Directly below is an illustration of the Landscape Plan:

PLANTING MATERIALS - TREES AND PALMS						
QTY	SYMBOL	TAG	SCIENTIFIC NAME	COMMON NAME	SIZE	REMARKS
17		01	QUERCUS VIRENANA	LIVE OAK TREE	MIN. 12" DBH MIN. 5' SPREAD MIN. 12' TALL	FLORIDA AC. FIELD GROWN FLORIDA NATIVE
4		02	ANEMONE PLUMERIA VARIETALIS	HIBISCUS	MIN. 12" DBH MIN. 5' SPREAD MIN. 12' TALL	FLORIDA AC. FIELD GROWN FLORIDA NATIVE
4		03	ANEMONE PLUMERIA VARIETALIS	HIBISCUS	MIN. 12" DBH MIN. 5' SPREAD MIN. 12' TALL	FLORIDA AC. FIELD GROWN FLORIDA NATIVE
35		04	SABAL PALMETTO	CARBINE PALM	1/4" MIN. DIA. AT 10' MIN. TALL	FLORIDA AC. RECOMMENDED FLORIDA NATIVE LARGE PLANT. 10-15'
1/2		N/A	EXISTING TREES AND /OR PALMS	N/A	N/A	EXISTING TREES AND /OR PALMS. REFER TO TREE SUPPORT PLAN AND LANDSCAPE PLAN FOR MORE INFORMATION.

PLANTING MATERIALS - SHRUBS, GROUNDCOVERS, ANNUALS, SOIL, MULCH AND ACCENT PLANTS						
QTY	SYMBOL	TAG	SCIENTIFIC NAME	COMMON NAME	SIZE	REMARKS
17		01	QUERCUS VIRENANA	LIVE OAK TREE	MIN. 12" DBH MIN. 5' SPREAD MIN. 12' TALL	FLORIDA AC. FIELD GROWN FLORIDA NATIVE
35		04	SABAL PALMETTO	CARBINE PALM	1/4" MIN. DIA. AT 10' MIN. TALL	FLORIDA AC. RECOMMENDED FLORIDA NATIVE LARGE PLANT. 10-15'



NOT FOR CONSTRUCTION










# Attachment E Architecture Raising Canes 21-30 (SPM, AAR, SE) Resolution No. 21-19

Directly below is an illustration of the Architecture:

P4E HV Front Patio Elevations



### MATERIAL FINISHES

<p>EM-3</p>  <p>HOT ROLLED STEEL W/ CARBON GRADE FINISH W/ CLEAR MATTE POWDER COAT FINISH</p>	<p>EM-4</p>  <p>RECLAIMED METAL PANEL. INVERSE CAB-HOOD OCCURS AT FACE OF THE T-ELEMENT ONLY</p>	<p>EW-1</p>  <p>BELDEN NORMAN BRICK MASONRY MEDIUM RANGE. SMOOTH. IRON SPOT. MORTAR TO MATCH. SOLUMON PRODUCTS ID #. WEATHERED HORIZONTAL STRIKE. VERTICAL JOINTS ARE FLUSH</p>	<p>EW-2</p>  <p>75# 7689 SUMMIT GRAY PORTLAND CEMENT STUCCO</p>	<p>EW-4</p>  <p>BORAL "ALAMO" MODULAR BRICK MORTAR TO MATCH. SOLUMON PRODUCTS ID #. LIGHT BUFF SACK RUB FINISH.</p>	<p>EW-5</p>  <p>75# MOUNTAIN FOX PORTLAND CEMENT STUCCO</p>	<p>EW-6</p>  <p>#56 OYSTER SHELL CEMENT STUCCO</p>	<p>EWS-2</p>  <p>ALUMINUM STOREFRONT SYSTEM FINISH ANVISED BLACK</p>
<p>ROOF: FIRESTONE ULTRA PLY TPO ROOFING SYSTEM. COLOR: WHITE</p>							

**Attachment F  
Signage  
Raising Canes  
21-30 (SPM, AAR, SE)  
Resolution No. 21-19**

Directly below is an illustration of the Signage:



**RESOLUTION NO. 21-19**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 21-30 (SPM, AAR, SE) – THE APPLICATION OF JONI BRINKMAN ON BEHALF OF RAISING CANE’S RESTAURANTS, LLC - PERTAINING TO A SITE PLAN MODIFICATION, SPECIAL EXCEPTION, AND ARCHITECTURAL APPROVAL FOR A 3,267 SQUARE FOOT “RESTAURANT WITH DRIVE-THROUGH” LOCATED ON A 1.3± ACRE PARCEL OF LAND LOCATED ON THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND STATE ROAD 7, 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. 21-30 (SPM, AAR, SE) was presented to the Village Council at its public hearing conducted on October 21, 2021; 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. 21-30 (SPM, AAR, SE), THE APPLICATION OF JONI BRINKMAN ON BEHALF OF RAISING CANE’S RESTAURANTS, 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 21st day of October, 2021.

VILLAGE OF ROYAL PALM BEACH

---

MAYOR FRED PINTO

ATTEST:

(SEAL)

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DIANE DISANTO, VILLAGE CLERK

**Exhibit A**  
**Legal Description**  
**Raising Canes @ NE Corner of Southern Boulevard and State Road 7**  
**Application 21-30 (SPM, AAR, SE)**  
**Res. 21-19**

**LEGAL DESCRIPTION:**

Directly below is the Legal Description:

**LEGAL DESCRIPTION:**

PARCEL I: (LEASEHOLD INTEREST)

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF TRACT 16, BLOCK 8, ACCORDING TO THE PLAT OF "THE PALM BEACH FARMS CO., PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE NORTH 01'33'47" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88'26'13" EAST, AT RIGHT ANGLES TO THE SAID EAST LINE OF SECTION 36, A DISTANCE OF 85.00 FEET TO THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 WITH A LINE PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE NORTH 01'33'47" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 263.50 FEET; THENCE SOUTH 89'56'32" EAST, A DISTANCE OF 217.00 FEET; THENCE SOUTH 00'03'28" WEST, A DISTANCE OF 224.00 FEET; THENCE NORTH 89'56'32" WEST, A DISTANCE OF 42.97 FEET; THENCE SOUTH 01'22'03" WEST, A DISTANCE OF 43.53 FEET, TO THE INTERSECTION WITH THE AFORESAID LINE BEING PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER RIGHT-OF-WAY LINE OF STATE ROAD NO. 80; THENCE NORTH 88'37'57" WEST, ALONG LASTLY SAID LINE, A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

PARCEL II: (APPURTENANT EASEMENT)

ACCESS EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED BY ACCESS, CROSS-PARKING AND NO-BUILD EASEMENT AGREEMENT BETWEEN DAYTON HUDSON CORPORATION, A MINNESOTA CORPORATION AND APPLE SOUTH, INC., A GEORGIA CORPORATION, RECORDED JUNE 24, 1996, IN OFFICIAL RECORDS BOOK 9320, PAGE 1182, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS AMENDED IN OFFICIAL RECORDS BOOK 22002, PAGE 1418, OVER, UNDER AND ACROSS THAT PORTION OF THE FOLLOWING DESCRIBED LANDS WHICH IS IDENTIFIED AS THE "ACCESS EASEMENT AREA" AND FURTHER IDENTIFIED BY CROSS-HATCHED MARKS ON THE SITE PLAN SET FORTH ON EXHIBIT "C" OF SAID AGREEMENT:

TRACTS 15, 18, THAT PART OF TRACT 21, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 80, AND A 30-FOOT ABANDONED ROAD LYING BETWEEN TRACTS 16 AND 21, ALL IN BLOCK 8, "THE PALM BEACH FARMS CO. PLAT NO. 3", RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PALM BEACH COUNTY RECORDS, EXCEPTING THEREFROM THE NORTH 30 FEET OF TRACT 15, THE EAST 70 FEET OF TRACTS 15, 16 AND 21 AND THE EAST 70 FEET OF THAT PART OF THE ABANDONED ROAD WHICH LIES WEST OF THE EAST LINE OF TRACT 16 IF PROJECTED SOUTHERLY TO THE NORTHEAST CORNER OF TRACT 21 AND ALSO EXCEPTING THAT CERTAIN PARCEL OF LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND AT THE NORTHEAST CORNER OF THE FOLLOWING INTERSECTION OF STATE ROAD NO. 80 AND STATE ROAD NO. 7 FRONTING 175 FEET ON STATE ROAD NO 80 AND 250 FEET ON STATE ROAD NO. 7 WHICH SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED AS THE SOUTH 250 FEET OF THE WEST 175 FEET OF THAT PART OF TRACTS 16 AND 21 BLOCK 8, "THE PALM BEACH FARMS CO., PLAT NO. 3", LYING NORTH OF THE RIGHT-OF-WAY OF STATE ROAD NO. 80 AND INCLUDING THE 30-FOOT ABANDONED ROAD RIGHT-OF-WAY BETWEEN SAID TRACTS 16 AND 21.

LESS AND EXCEPT THE FOLLOWING: THE NORTH 467 FEET OF SAID TRACT 15; STATE ROAD 7 RIGHT-OF-WAY AND THE FOLLOWING DESCRIBED PARCEL:

THAT PART OF TRACTS 16 AND 21 IN BLOCK 8, OF "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Directly below is the legal description continued:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE NORTH 01'34'02" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1445.96 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE SOUTH 88'37'42" EAST, ALONG THE BASELINE OF SURVEY FOR STATE ROAD 80, A DISTANCE OF 85.17 FEET; THENCE NORTH 01'22'18" EAST A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 80; THENCE SOUTH 88'37'42" EAST, A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88'37'42" EAST, A DISTANCE OF 216.43 FEET; THENCE SOUTH 88'31'04" EAST, A DISTANCE OF 571.31 FEET; THENCE NORTH 00'57'59" WEST, A DISTANCE OF 57.09 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A CHORD BEARING OF NORTH 87'52'02" WEST; THENCE WESTERLY ALONG SAID CURVE HAVING A RADIUS OF 11,496.16 FEET, THROUGH AN ANGLE OF 01'18'04", AN ARC DISTANCE OF 261.06 FEET TO THE END OF SAID CURVE; THENCE NORTH 88'31'04" WEST, A DISTANCE OF 307.79 FEET; THENCE NORTH 85'03'35" WEST, A DISTANCE OF 192.80 FEET; THENCE NORTH 88'37'42" WEST, A DISTANCE OF 23.93 FEET; THENCE SOUTH 01'34'02" WEST, A DISTANCE OF 72.00 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS FOLLOWS:

BEING A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO LYING IN A PORTION OF TRACTS 15, 16 AND 21, BLOCK 8, AND INCLUDING A PORTION OF AN ABANDONED 30 FOOT RIGHT-OF-WAY, ACCORDING TO THE PLAT OF "THE PALM BEACH FARMS CO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (BEARINGS HEREIN ARE BASED ON THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, WHICH BEARS NORTH 01'33'47" EAST), SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 01'33'47" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88'26'13" EAST, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 36, A DISTANCE OF 85.00 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, WITH A LINE PARALLEL WITH AND 250 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 80 AND THE POINT OF BEGINNING; THENCE NORTH 01'33'47" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 665.07 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 467.00 FEET OF SAID TRACT 15; THENCE NORTH 89'01'09" EAST, ALONG SAID SOUTH LINE A DISTANCE OF 921.73 FEET TO THE INTERSECTION OF THE WEST LINE OF THE EAST 70 FEET OF SAID TRACTS 15 AND 16; THENCE SOUTH 01'01'20" EAST, ALONG SAID WEST LINE A DISTANCE OF 897.71 FEET TO A POINT OF INTERSECTION WITH THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD NO. 80) SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 11,496.16 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 87'52'07" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01'18'24", A DISTANCE OF 262.16 FEET; THENCE NORTH 88'31'19" WEST, ALONG SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 307.79 FEET; THENCE NORTH 85'03'50" WEST, ALONG SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 192.79 FEET; THENCE NORTH 88'37'57" WEST, ALONG SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 23.93 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE WEST 175.00 FEET OF SAID TRACT 16; THENCE NORTH 01'33'47" EAST, ALONG THE EAST LINE OF SAID WEST 175.00 FEET, A DISTANCE OF 178.00 FEET TO A POINT 250.00 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD NO.80) THENCE NORTH 88'37'57" WEST, A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING.



## Directly below is the legal description continued:

ALSO LESS AND EXCEPT THE FOLLOWING:

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF TRACT 16, BLOCK 8, ACCORDING TO THE PLAT OF "THE PALM BEACH FARMS CO. PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE NORTH 01°33'47" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88°26'13" EAST, AT RIGHT ANGLES TO THE SAID EAST LINE OF SECTION 36, A DISTANCE OF 85.00 FEET TO THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 WITH A LINE PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE NORTH 01°33'47" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 263.50 FEET; THENCE SOUTH 89°56'32" EAST, A DISTANCE OF 217.00 FEET; THENCE SOUTH 00°03'28" WEST, A DISTANCE OF 224.00 FEET; THENCE NORTH 89°56'32" WEST, A DISTANCE OF 42.97 FEET; THENCE SOUTH 01°22'03" WEST, A DISTANCE OF 43.53 FEET, TO THE INTERSECTION WITH THE AFORESAID LINE BEING PARALLEL WITH AND 250.00 FEET NORTH OF THE FORMER RIGHT-OF-WAY LINE OF STATE ROAD NO. 80; THENCE NORTH 88°37'57" WEST, ALONG LASTLY SAID LINE, A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

PARCEL II BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°33'47" EAST, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88°26'13" EAST, A DISTANCE OF 85.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE NORTH 01°33'47" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 289.04 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE NORTH 01°33'47" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 50.78 FEET; THENCE SOUTH 35°50'47" EAST, A DISTANCE OF 29.86 FEET; THENCE SOUTH 53°32'57" EAST, A DISTANCE OF 26.47 FEET; THENCE SOUTH 73°00'03" EAST, A DISTANCE OF 26.87 FEET; THENCE NORTH 89°29'07" EAST, A DISTANCE OF 200.28 FEET; THENCE SOUTH 00°55'15" EAST, A DISTANCE OF 248.92 FEET; THENCE SOUTH 88°36'42" WEST, A DISTANCE OF 33.45 FEET; THENCE NORTH 00°55'15" WEST, A DISTANCE OF 219.18 FEET; THENCE NORTH 89°56'32" WEST, A DISTANCE OF 192.53 FEET; THENCE NORTH 63°30'52" WEST, A DISTANCE OF 30.18 FEET; THENCE NORTH 48°21'26" WEST, A DISTANCE OF 18.23 FEET TO THE POINT OF BEGINNING.

**Exhibit B**  
**Conditions of Approval**  
**Raising Canes @ NE Corner of Southern Boulevard and State Road 7**  
**Application 21-30 (SPM, AAR, SE)**  
**Res. 21-19**

**1. Development Order:**

This development order constitutes approval for:

Site Plan Modification, Architectural Approval, and Special Exception approval for a “Restaurant with Drive-through” in order to allow for a tear down and rebuild of an existing Applebee’s Restaurant, resulting in a new 3,267 square foot “Restaurant with Drive-through”, situated on a 1.3± acre parcel of land located on the northeast corner of Southern Boulevard. and State Road 7.

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. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. The site shall be maintained free of all trash at all times.

**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 Sec. 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. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.

- C. 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.
- 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. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. 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.
- H. 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.
- I. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

**6. Planning & Zoning Commission Imposed Conditions:**

- A. Building and roof colors and materials, and landscaping shall be only that which was presented and approved by the Planning and Zoning Commission.

