

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Councilman Tom Goltzené, Seat 5
Councilman Jim Rockett, Seat 2
Councilman Ryan Liang, Seat 3



Town of Loxahatchee Groves
Planning & Zoning Board/LPA Meeting
Thursday, June 13, 2013 at 7:00 p.m.

**TENTATIVE -
SUBJECT TO
REVISION**

Central Palm Beach County Chamber of Commerce – West Office
13901 Southern Boulevard, Loxahatchee Groves, FL 33470

Chair Dennis Lipp
Vice Chair Robin Crawford
Board Member Lawrence Corning
Board Member Keith Harris
Board Member Grace Joyce
Alternate Member #1 Veronica Close
Alternate Member #2 Byrnes Guillaume

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planner Jim Fleishmann

The Planning & Zoning Board meets on the 2nd Thursday of each month
subject to the filing of applications. It also acts as the Local Planning Agency (LPA).
Items for each body are noted on the agenda.

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Approval of Agenda

2. MINUTES

- a. Planning and Zoning Board Minutes for Approval - May 23, 2013

3. OLD BUSINESS - None

4. NEW BUSINESS – None

5. LOCAL PLANNING AGENCY

Old Business – None

- a. Application Number: REZ 2013-01 (Loxahatchee Groves Commons) – Proposed Change in Zoning: Agricultural Residential (AR) to Commercial Low Planned Unit Development (CL/PUD) for a 21.73 acre property located at the northwest corner of Southern Boulevard and “B” Road.

New Business

- a. APPLICATION NUMBER: Site Plan Amendment Application SPA 2013-01
APPLICATION NAME: Valley Crest (Magic Properties) Site Plan Amendment

SITE PLAN APPROVAL: Approval of a proposed site plan amendment on 5.0 acres located at 13710 Okeechobee Boulevard; south side of Okeechobee Boulevard, 0.25 miles west of “F” Road.

6. COMMENTS FROM THE BOARD

7. ADJOURNMENT

The next Planning and Zoning Board meeting is tentatively scheduled for July 11, 2013 at 7:00 p.m.

Comments Cards: Anyone from the public wishing to address the P&Z Board must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the P&Z Board with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



2.a. PLANNING AND ZONING BOARD MINUTES FOR APPROVAL – MAY 23, 2013

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Councilman Tom Goltzené, Seat 5
Councilman Jim Rockett, Seat 2
Councilman Ryan Liang, Seat 3



Town of Loxahatchee Groves
Planning & Zoning Board/LPA Meeting
Thursday, May 23, 2013 at 7:00 p.m.
(re-scheduled from May 9, 2013)

Central Palm Beach County Chamber of Commerce – West Office
13901 Southern Boulevard, Loxahatchee Groves, FL33470

Chair Dennis Lipp
Vice Chair Robin Crawford
Board Member Lawrence Corning
Board Member Keith Harris
Board Member Grace Joyce
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Items for each body are noted on the agenda.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Chair Dennis Lipp called the meeting to order at 7:00 p.m. Upon roll call, the following members of the Planning and Zoning Board were present: Chair Lipp, Vice Chair Crawford, Board Members Lawrence Corning, Keith Harris, and Grace Joyce. Alternate Members Veronica Close and Byrnes Guillaume were not in attendance.

b. Approval of Agenda

Town Manager Kutney noted that Ordinance No. 2012-02, that created the Planning and Zoning Board required the re-organization each year for the election of a chair and vice chair. It was determined by the Board that this would be added to the Agenda, under New Business, Item 4.

Motion made by Vice Chair Crawford, seconded by Board Member Joyce, to approve the Agenda as amended. The motion passed unanimously.

2. MINUTES

a. Planning and Zoning Board Minutes for Approval - April 11, 2013

Motion made by Vice Chair Crawford, seconded by Board Member Harris to approve the minutes of April 11, 2013. The motion passed 4/1, with Board Member Joyce casting a dissenting vote.

3. OLD BUSINESS - *None*

4. NEW BUSINESS - *None*

a. **Annual Re-organization of Chair and Vice Chair positions, as required by Ordinance No. 2012-02**

Motion: Board Member Joyce made a motion that the positions of Chair and Vice Chair remain the same as they were currently. The motion was seconded by Board Member Harris. The motion passed unanimously.

5. LOCAL PLANNING AGENCY

Old Business–None

New Business

- a. **ULDC ZONING TEXT AMENDMENT: Consideration of a proposed text amendment to Section 20-015. Permitted uses of the Agricultural Residential zoning district to allow veterinarian services and dog boarding as permitted accessory uses.**

APPLICATION NAME/NUMBER: Section 20-015: 2013(1)

APPLICATION NAME: Big Dog Ranch Rescue, Inc. Text Amendment

Town Planning Consultant Jim Fleischmann addressed the Board, reviewing the proposed ULDC text amendment, and reviewed the material provided in the Agenda Packet. He explained that under the Town’s ULDC, the Big Dog Ranch Rescue, Inc. (BDR) operation is termed a “Rescued Animal Care” facility. “Rescued Animal Care” is currently a permitted principal use, subject to Special Exception approval by the Town Council, in the Agricultural Residential (AR) zoning district. A Rescued Animal Care designation is appropriate for Big Dog Ranch; however, the ULDC is unclear as to the various accessory facilities and services that can be provided. In order to clarify this issue, Big Dog Ranch has requested the Town Council to amend the ULDC to include veterinary services and dog boarding as accessory uses in the AR zoning district. The applicant had proposed revisions to Section 20-015 of the town’s ULDC. Staff has proposed an alternative amendment, which would clarify where accessory veterinary and dog boarding uses are permitted, as well as operating conditions oriented to insuring compatibility with applicable codes and neighboring land uses.

Staff recommendation is for approval of the proposed alternative text amendment, however, staff could also support the applicant’s proposed text amendment subject to revisions linking accessory veterinary and dog boarding uses directly to principal Rescued Animal Care uses.

Jeff Brophy, agent for Big Dog Ranch, addressed the Planning and Zoning Board, stating that the applicant was in agreement with staff’s alternative proposal. He provided a power point presentation regarding the code change request and background information regarding Big Dog Rescue Ranch. He explained that the applicant wanted to know whether the Town would support having the facility before a location was determined, and contracts, consultants, and studies were involved.

Public Comment:

The following persons spoke in support of Big Dog Rescue Ranch:

Susan Gould, 1735 67yh Ct. N., Loxahatchee

Kevin Swerdlin, 13105 Raymond Dr., Loxahatchee

Teresa Dotson, 104 Barcelona Dr.

Meg Weinberger, 14189 Caloosa Blvd., Palm Beach Gardens

Peter Robbins, 70 Via Verona, Palm Beach Gardens

Emily Pantelides, 70 Via Verona, Palm Beach Gardens

Kaitlyn Swyler, 1126 Hyacinth Pl., Wellington

Michael Hilton, 1232 Lake Breeze Dr., Wellington

Deborah Hilton, 1232 Lake Breeze Dr., Wellington

Requested to be read into the record: Kelly and Amber Nelson, 17774 Hamlin Blvd., Loxahatchee

Board Member Joyce commented that she would feel more comfortable if the text amendment was part of an application and was being made with a specific use, and site location. She expressed concern regarding commercial development within the Town of Loxahatchee Groves, noting that it was desired to be towards Southern Blvd. She noted that the County and many municipalities require this type of use to be in an industrial or general commercial zoning designation, and that this use may not be compatible with the residential uses adjacent to it, or may not be appropriate in an AR zoning district.

Town Planning Consultant Fleischmann responded that rescue animal care as a use is currently allowed – every one of those uses may not be appropriate in every part of Town and that is why it goes through the special exception process. He explained that is why he had added the extra criteria.

Brian Tuttle, identifying himself as the developer who is helping BDR, addressed the Planning and Zoning Board, stating that they cannot get started with an application until there is a text amendment. This is allowed, as long as there is no commercial boarding, or commercial vet service. He explained that they need the text amendment before they can find a site.

Lauree Simmons, President, Big Dog Rescue Ranch, addressed the Planning and Zoning Board, stating that the current site is not what was desired. There were only four usable acres on the property, and the buildings have not been rebuilt because they knew they did not want to stay in that location and had decided that they would like to be in Loxahatchee Groves.

Board Member Joyce suggested that there may be an administrative determination that could be applied to this that would not have to be listed in the Code. She explained that she was referring to a special use – a way that an administrative interpretation could be made that would say as it pertains to special exceptions, accessory uses as determined by the administrator as being consistent with the primary use; as something that could be done as part of a special exception.

Town Manager Kutney added that accessory uses, whether accessory to a principal use or as a special exception, are considered traditional, customary, incidental. The issue here is that the premise behind their proposal is offering the vet service to all the dogs that they rescue even after they are adopted, so they are providing a greater level of vet service than the typical rescue animal care, and the same thing with the boarding. They offer an enhanced level of service. When you start to look at those accessory uses as it relates to this special exception, you always have the ability to add conditions, and there are a ton of safeguards that can be used.

Town Planning Consultant Fleischmann noted that what Board Member Joyce was saying about administrative determination would be an appropriate subject for the Unified Land Development Code Review Committee (ULDCRC) – they could make a recommendation that the Town Manager could make such an administrative decision.

Discussion took place regarding the proper acreage for the facility, and who could use the vet and boarding facility.

Public Comment:

Brian Tuttle suggested that the facility would require between ten and twenty acres.

Motion: Chair Lipp made a motion that to add a condition that veterinarian services and boarding would be provided only for current and previously adopted out animals. The motion was seconded by Board Member Harris for discussion.

Further discussion took place. Town Manager Kutney advised that the facility would be allowed anywhere in the AR zoning district, but they would need to abide by the size requirement that was determined by the Board. Board Member Joyce pointed out that the accessory uses were veterinarian services and dog boarding, which would be opened to the public. She questioned if there as a way to include language that would say that a location on a major thoroughfare would be opened to the public, but if the facility was on an interior road it would only be for previously adopted dogs.

Motion to approve staff recommendations with the following amendments:

Under (A) Minimum plot size requirements: Animal care operations may be permitted on properties exceeding 10 acres in size.

Under (B) Accessory Uses: Veterinary services and/or dog boarding may be permitted as accessory use as follows: (1) Veterinary services provided by a licensed veterinarian for the care of animals and/or dog boarding services for animals currently kept in the rescued animal care facility, or previously adopted, may be offered; and (2) Veterinary services provided by a licensed veterinarian for the care of animals and/or dog boarding services may be offered to the public provided that the rescued animal care operation is located on a property that fronts and has access to, a Town designated Urban Collector or Arterial roadway. The motion was seconded by Board Member Harris. The motion passed unanimously.

6. COMMENTS FROM THE TOWN MANAGER:

Town Manager Kutney referred to the April 11, 2013 Planning and Board meeting regarding the Application for Loxahatchee Groves Commons (REZ 2013-01), and noted that the recommendation had been made to defer the project and that a traffic consultant be retained by staff. He reviewed the minutes of the meeting, and he suggested that as an advisory board, the Planning and Zoning Board could basically vote an item up or down or with conditions, and that the applicant had basically been sentenced to a very long tabling by the deferment. In addition, the Planning and Zoning Board did not have the authority to tell the Town Council that a consultant had to be hired and paid for. He also noted that the town would have a traffic consultant on board, but not until the contract was approved in late June. He suggested that the Planning and Zoning Board make a motion to bring this issue back for consideration.

Chair Lipp agreed that the item would be placed on the agenda for the next Planning and Zoning Board Meeting, June 13, 2013.

Joe Lelonek, Atlantic Land Investments, LLC, addressed the Board and advised that the applicant had taken some of the recommendations made at the last Planning and Zoning Board meeting and made some selected changes to the plan and had provided a draft copy to staff to review. A certain percentage of the parking spaces were wider and larger, but not all of them. They also looked at the open space area in the middle of a parking are, and looked at moving that next to the lake. Hopefully, they will be looked at favorably next month.

In response to Chair Lipp's question regarding the Town being able to have a parking space law, Town Manager Kutney replied that the ULDCRC was reviewing changes for issues to the Code, and that if Chair Lipp brought the parking issue to the attention of the Town Council, and they agreed, the issue could go before the ULDCRC for review.

6. COMMENTS FROM THE BOARD

Board Member Joyce commented as follows: That this was a great meeting, and as a Board we have to remember to separate out the feelings, because the reality is that it had nothing to do with the decisions on what we were talking about tonight. When this goes to the Town Council, I hope that is pointed out as well. We have to be consistent. It would be great if that was pointed out to the Town Council that this has nothing to do with the applicant, but that we are talking about the language in our Code.

Town Planning Consultant Fleischmann stated that staff just tried to come up with the best way to make the most sense out of what the applicant wanted to do, and also protect the properties in Town.

7. ADJOURNMENT

There being no further business, the Planning and Zoning Board meeting of May 23, 2013, was adjourned at 9:15 p.m.

Susan Eichhorn, Town Clerk

Dennis Lipp, Chair

(SEAL)

*These minutes were approved by the Planning and Zoning Board at the June 13, 2013,
Planning and Zoning Board Meeting.*



5.a. OLD BUSINESS

APPLICATION NUMBER: REZ 2013-01 (LOXAHATCHEE GROVES COMMON)

TO: PLANNING AND ZONING BOARD

FROM: JIM FLEISCHMANN TOWN PLANNING CONSULTANT

RE: SIMON TRUST PROPERTY REZONING APPLICATION: AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD).

DATE: JUNE 5, 2013

I. GENERAL INFORMATION

A. Applicant: Atlantic Land Investments, LLC, contract purchaser. The applicant is being represented by Land Design South.

B. Owner: Ernest G. Simon, as Trustee of Trusts "A" and "B" u/w/o Alexander Abraham Simon.

C. Location: The property is located at the northwest corner of Southern Boulevard and "B" Road, Loxahatchee Groves, Florida (Ref: Map 1).

D. Legal Description: Simon Trust Boundary Plat, Lot 2.

E. Parcel Size: 21.73 acres.

F. Existing Future Land Use (FLU) Designation: Commercial Low (CL).

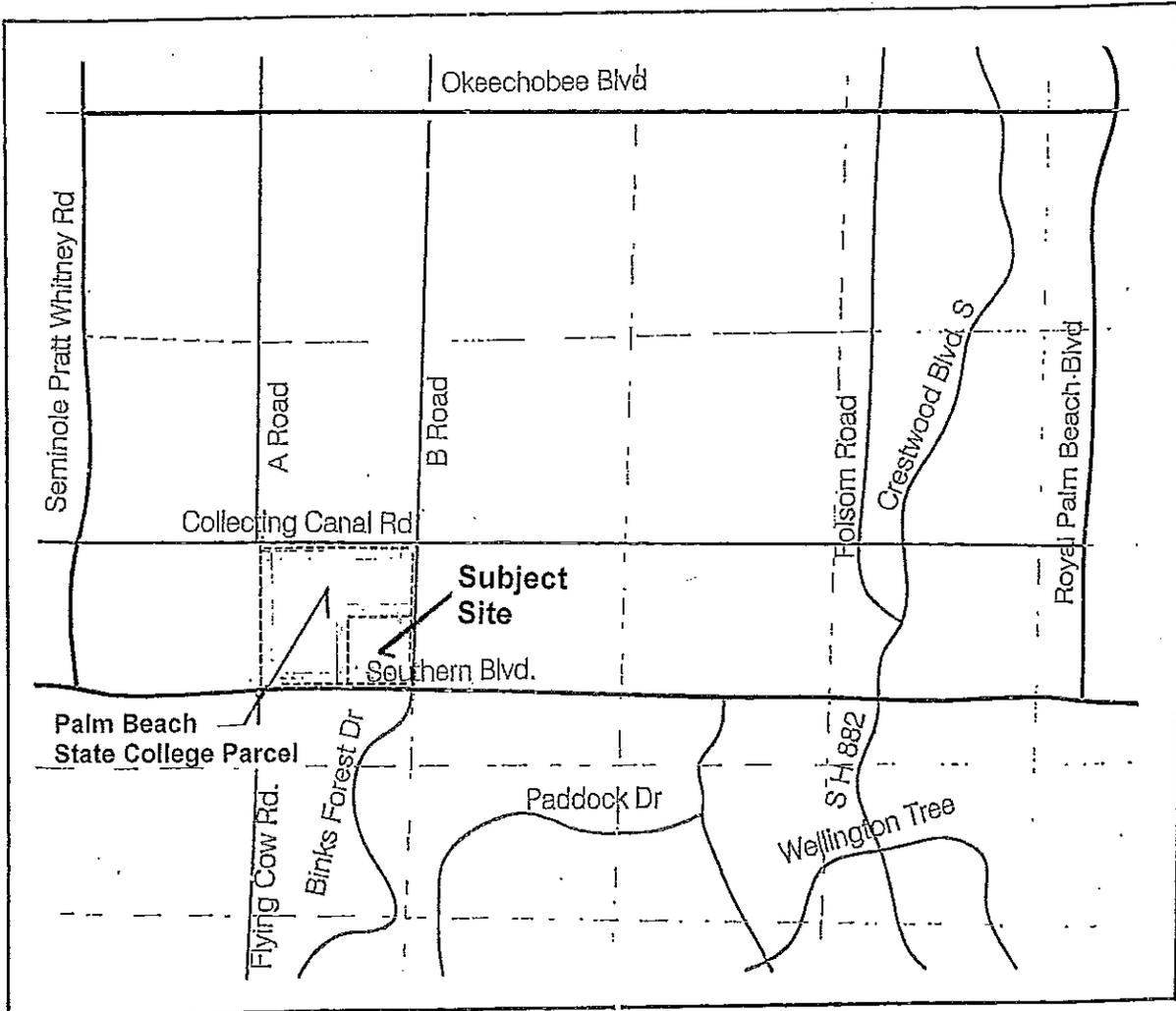
G. Existing Zoning: Agricultural Residential (AR).

H. Existing Use: Vacant land.

I. Adjacent Uses: The property is described as the 21.73 acre "Simon Property" located at the northwest corner of Southern Boulevard and "B" Road. Adjacent properties are described below.

- To the north, the subject site is bordered by a portion of the vacant 75 acre parcel owned by Palm Beach State College.
- To the south, the subject site is bordered by Southern Boulevard and the C-51 Canal (approximate combined 450 foot right-of-way). Bink's Forest PUD, within the Village of Wellington, is located further south, beyond the C-51 Canal right-of-way.

MAP 1
LOXAHATCHEE GROVES COMMONS SITE LOCATION



N.T.S.



- To the east, the subject site is bordered by "B" Road. Further to the east, beyond the "B" Road right-of-way is a vacant 16.4 acre parcel (Equestrian Partners) located at the northeast corner of "B" Road and Southern Boulevard. The property is a portion of the proposed 90.32 acre Groves Town Center, which is currently the subject of a Multiple Land Use Planned Unit Development (MLU/PUD) rezoning application.
- To the west, the subject site is bordered by a portion of the vacant 75 acre parcel owned by Palm Beach State College.

Adjacent properties to the north and west are currently assigned the Rural Residential 5 Future Land Use designation and an Agricultural Residential (AR). The balance of the adjacent property (16.4 acre parcel to the east) within the Town was assigned an MLU future land use designation by Land Use Plan Amendment 11-1.3. The property is a portion of the proposed Groves Town Center; a 90.32 acre proposed mixed-use planned unit development.

II. REQUESTED ACTION

The current future land Use category assigned to the subject property is Commercial Low (CL), which was assigned by Future Land Use (FLU) Amendment 2012 – 01 (Ordinance 2012-04). The applicant has requested the assignment of the Commercial Low Planned Unit Development (CL/PUD) category to implement the recently assigned CL FLU category.

Under the Comprehensive Plan, the Commercial Low FLU category allows for a maximum development intensity (Floor-Area-Ratio) of 0.10 which allows a maximum of 94,655 sq. ft. of commercial space to be developed on the property.

III. PROPOSED DEVELOPMENT PROGRAM

The proposed development program consists of a 94,665 sq. ft. retail shopping center (Loxahatchee Groves Commons). The following mix of uses is proposed in the Traffic Performance Standards (TPS) review: Retail – 72,255 sq. ft.; Pharmacy with Drive-Thru - 14,600 sq. ft; Drive-in Bank – 3,800 sq. ft.; and Fast-food Restaurant with Drive-thru - 4,000 sq. ft.

IV. INFRASTRUCTURE / IMPACTS

A. Water and Wastewater Service: The property is located within the Palm Beach County Water Utilities Department (PBCWUD) service area. In a letter dated January 30, 2013, PBCWUD stated that sufficient raw water, potable water and wastewater capacity is available to serve the future development of the subject site based upon the maximum development potential of 94,655 sq. ft. of commercial space. In order to obtain a

commitment for service, a Standard Development Agreement with PBCWUD is required. PBCWUD maintains a 12" potable water main and an 8" wastewater force main within the Southern Boulevard right-of-way adjacent to the southern boundary of the subject property.

B. Surface Water Management: A Drainage Statement has been prepared by the Applicant's engineer which states that the property is within the SFWMD C-51 Basin. A drainage system consisting of lakes, inlets and culverts that direct stormwater runoff to the C-51 Canal via a control structure is recommended.

Overall, the proposed drainage system will be designed to meet the requirements of SFWMD, LGWCD and Palm Beach County in order to incorporate all measures necessary to assure that there will be no adverse effects on either the on-site collection system or the receiving body.

C. Solid Waste Disposal: The Solid Waste Authority of Palm Beach County (SWA) is responsible for the disposal of solid waste generated in Palm Beach County. The SWA indicated in January 2013 that there is sufficient landfill capacity for the ensuing five and ten-year planning periods. At the generation rates used in SWA studies, the current lifespan of the landfill is 2046.

The Town has contracted a private hauler to collect and transport residential solid waste to the appropriate SWA facility. Commercial businesses and nurseries are required to contract for these services directly with a private hauler.

D. Transportation: Objective 1.2 of the Capital Improvements Element (CIE) of the Comprehensive Plan requires an applicant to obtain a concurrency reservation from Palm Beach County prior to receipt of Development Order/Permit.

Pursuant to Objective 1.2, the applicant prepared a traffic study dated October 5, 2012 consistent with the requirements and standards of the County's Traffic Performance Standards (TPS) included in Article 12 of the Palm Beach County ULDC.

Based upon its review of the traffic study, and using the proposed development concept of Retail (72,255 sq. ft.), Pharmacy with Drive-thru (14,600 sq. ft.), Drive-in Bank (3,800 sq. ft.), and Fast-food Restaurant with Drive-thru (4,000 sq. ft.), the Palm Beach County Traffic Division determined that the proposed development meets the Palm Beach County TPS standards subject to the conditions of approval presented in its November 5, 2012 letter (Ref: Attachment A). All conditions of approval must be included in any development order issued by the Town in order for the TPS approval to remain valid. Further, any request to modify the conditions of approval must be based upon a traffic study approved by the Palm Beach County Traffic Division.

E. Parks/Open Space: The proposed CL/PUD will contain no residential units. As a result, the proposed development component will have no impact upon the Town's parks/open space facilities.

F. Public Schools: The proposed CL/PUD will contain no residential units. As a result, the proposed development component will have no impact upon public schools.

G. Fire/EMS: The nearest station is Palm Beach County Fire-Rescue (PBCFR) Station #20, located at 1000 Greenview Shores Boulevard in Wellington. The subject site is approximately 2 miles from Station #20. Response time, estimated by PBCFR, is 6:44 minutes. PBCFR stated in a letter dated January 25, 2012 that the proposed land use change will have little impact upon fire rescue services.

V. MASTER PLAN REQUIREMENTS

A. Preliminary Site Plan: (Ref: Attachment J1 of the PUD Application). A copy of the Loxahatchee Groves Commons master plan (preliminary site plan) is attached (Ref: Map 2). The preliminary site plan defines eight commercial structures on the 21.734 acre property for a total of 94,655 sq. ft. (i.e. Floor-Area-Ratio = 0.10). An inventory of land uses within each proposed building is presented in Table 1.

Table 1 – Loxahatchee Groves Commons Development Concept

Building #	Use	Sq. Ft.
A1	Grocery Store	46,031
A2	Package Liquor Store	1,500
B	Local Retail	15,700
C	Local Retail	4,224
D	Fast Food w/Drive-thru	4,000
E	Financial Inst w/Drive-thru	3,800
F	Pharmacy w/Drive-thru	14,600
G	Local Retail	4,700
Total	A1-G	94,655

The preliminary site plan includes several neighborhood serving uses that have been incorporated into the plan within a new urbanism style development style. Access from B Road is accomplished by means of a Tangerine Drive extension which is designed to include retail shops fronting the street.

The preliminary site plan includes a 6.46 acre lake on the northern side of the project that will create an entry feature for the commercial development as well as for the Palm Beach State College's B Road access should they provide one.

A 050 acre open space area (community park) is provided to the north of the access from B Road. This area can be used by the community for a variety of activities. The site plan also includes perimeter landscape buffers along all four sides of the property in order to maintain the rural character.

B. Statement of Use: (NOTE: The following is a summary of the Applicant's Statement of Use, which is included in Attachment J2 of the PUD Application). The subject property has been designed to locate a +/-6.46-acre lake tract along the northern boundary, adjacent to the future Palm Beach State College western campus.

Just south of the lake tract are two retail buildings (i.e. Buildings B and C) which contain 15,000 sq. ft. and 4,224 sq. ft. respectfully. To the south and west of Buildings B and C is the grocer building; Building A1, which consists of approximately 46,031 sq. ft. and Building A2, a 1,500 sq. ft. package liquor store.

To the southeast of the grocer is building D, consisting of a +/-4,000 sq. ft. fast food restaurant. At the southeast corner of the property, at the intersection of "B" Road and Southern Boulevard are two outparcel buildings (Buildings E and F). Building E is located just west of the hard corner and consists of a +/-3,800 sq. ft. financial institution with four (4) drive-through lanes.

At the hard corner of the property is Building F, which consist of a +/-14,600 sq. ft. pharmacy with three (3) drive-through lanes. Just to the north of Building F is a retail building consisting of 4,700 sq. ft.

To the north of the "B" Road entrance, and adjacent to the lake is an open space area consisting of +/-0.50 acres for the community to utilize. The open space area, initially located south of the entrance road, was relocated to its north, as recommended by the Town's Planning and Zoning Board. The Planning and Zoning Board concluded that the relocated open space area is more user friendly and safer than the initial location.

Parking for the retail buildings is located in the center of the subject property. Initially, the Applicant proposed a blanket waiver reducing the parking space size from 11.5 feet x 22.5 feet to 10 feet x 20 feet with a drive aisle width of 26 feet. To address concerns by the Planning and Zoning Board, the Applicant has included 91 spaces located in the central portion of the parking area at 12 feet x 20 feet to accommodate larger vehicles.

All exotic vegetation will be removed from the subject property. In addition, the subject property has been designed with a 10' landscape buffer along the western boundary of the property and a 15' landscape buffer along the southern boundary of the property.

C. Consistency with PUD Design Requirements The following is an analysis of the preliminary site plan in terms of the PUD Design Requirements presented in Article 41 Section 3.A of the ULDC:

1. Compatibility and Consistency with the Comprehensive Plan. On August 21, 2012 the Town Council adopted Ordinance 2012-04 which amended the future land use designation of the subject property from Multiple Land Use (MLU) to Commercial Low (CL). By approving the amendment, The Town found the CL designation and the proposed development concept: (1) consistent with the goals, objectives and policies of the Comprehensive Plan; (2) compatible with the characteristics of the surrounding area; and (3) within the Town's ability to provide necessary services for the additional demand for public facilities. By assigning the proposed CL/PUD zoning designation, consistency between the future land use and zoning designations of the property will be attained.

2. Compatibility and Consistency with the following Town Planning Documents: Master Roadway, Equestrian and Greenway Plan (MREG); SR-80/Southern Boulevard Conceptual Access Management Plan (SBCAMP); and Guidelines for Loxahatchee Groves' Non-Residential Projects ("Rural Vista Guidelines").
The subject property has been designed to allow greenways and/or a trails system around the lake tract, consistent with the MREG. In addition, the development has been designed with a main street style entry road that provides future connection to the Palm Beach State College western campus and has provided an access drive off of Southern Boulevard, which will be utilized by both the State College and the commercial development, consistent with the SBCAMP. The architectural materials/style of the buildings will be designed to include wood siding, metal roofs, porches, cupolas/dormers, thus consistent with the "Florida Vernacular/Rural" style identified in the Rural Vista Guidelines.

3. A Vehicular Circulation System which Interconnects Each Internal Pod and Provides Access to Common Southern Boulevard Road Entrances. The subject property does not have internal development pods. However, out-parcel uses are connected to the main retail buildings by means of internal driveways. In addition, an access road has been provided off of Southern Boulevard which will be shared by both the College and the commercial development.

4. A Vehicular Circulation System which Provides Opportunities for Connectivity
The subject property has been designed to incorporate a main street style entry road, which provides access to all the buildings within the development and provides future a connection to the Palm Beach State College western campus. In addition, an access road has been provided off of Southern Boulevard which will be shared by both the College and the commercial development.

5. Preservation of Existing Native Vegetation and Other Natural or Historic Features to the Greatest Extent Possible and Compliance with the Native Tree Preservation, Soil Stabilization and Exotic Removal Ordinance. The subject property has been designed to preserve as much existing native vegetation as possible in compliance with the Town's Native Tree Preservation, Soil Stabilization and Exotic Removal Ordinance.

6. Screening and Buffering of Adjacent Areas from Non-Residential PUD Components. A lake tract has been incorporated on the northern portion of the property adjacent to the future Palm Beach State College western campus. In addition, a 10' buffer has been provided along the western boundary of the subject property, adjacent to the access roadway from Southern Boulevard. Along the southern boundary, adjacent to Southern Boulevard, a 15' landscape buffer has been provided and the subject is bounded by B Road to the east. Thus, screening and buffering of adjacent areas is provided.

7. Screening and/or Buffering of Objectionable Features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters and compactors, etc.) From Public View. Screening of objectionable features is provided. Additional detail may be incorporated as part of the final site plan approval process.

8. Minimize Impervious Surfaces and Maximize Open Space. The subject property is designed to minimize impervious surfaces, including an open space area with a landscape feature, landscape buffers and a lake tract. The preliminary site plan is therefore consistent with this policy. Incorporated parking dimension waivers have reduced the amount of impervious area.

D. Statement of Intent to Subdivide: The subject property is consistent with the provisions of ULDC Article 41.1.E.4.b. The development plan has been designed to allow the subdivision of outparcels (Buildings D, E, F and G) by fee title conveyance of these internal lots, upon approval of the Town Manager. Each of these outparcels have been designed to be consistent with the requirements of Article 41.1.E.4.b.

E. Justification of Proposed Waivers: (NOTE: The following is a summary of the Applicant's justification which is included in Attachment J5 of the PUD Application). Article 55 of the ULDC contains specific provisions related to "Alcoholic Beverage Establishments". Specifically, Article 55 includes distance separation requirements of 750 linear feet from certain establishments, including an education center (NOTE: A branch location of Palm Beach State College is approved to the west of the subject property).

Distance is measured by following a straight line from the nearest point of the existing building or structure in which the establishment is located or has received approval to locate, to the nearest point of the building in which the alcoholic beverage establishment is located. As specific Palm Beach State College building locations have not been

determined at this time, the Applicant has requested a waiver from the separation requirements in order to prevent any future conflicts with Article 55.

In addition, the Applicant has requested a waiver from the parking space size requirements of Section 95-025 of the ULDC. Specifically, the Town's Code requires a standard parking space to be 11' x 22.5' with 28' drive-aisles. The Applicant is requesting a waiver to permit a maximum of 491 parking spaces at 10 feet x 20 feet and 91 spaces at 12 feet x 20 feet, with 26' drive aisles.

Pursuant to the requirements of Article 41, Section 2.E.2., the applicant has submitted a justification of the proposed waivers. The justification, in terms of the required evaluation criteria, is summarized as follows:

1. Identification, Protection and Enhancement of Natural Areas. The requested waivers will have no effect on the protection and enhancement of natural areas.

2. Provision of Open Space and Landscaping in Excess of Code Requirements. The Town's parking space size requirements equate to approximately 6.50-acres of pavement on the subject property. The requested waivers will reduce that amount to approximately 5.25-acres of pavement; a 25% reduction in the amount of pavement on the site. The requested parking space size will accommodate patrons of typical neighborhood retail uses in this area and significantly reduce the amount of pavement on the subject property.

3. Provision of Pervious Area in Excess of Code Requirements. The requested waivers will have an effect on the provision of pervious area in excess of code requirements. By reducing the impervious parking area, on-site pervious area is increased.

4. Preservation of Native Vegetation. The Applicant acknowledges that the project is subject to the permitting requirements of the Town's Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal Ordinance. The proposed waivers, by allowing an increased amount of pervious area may have some positive effect on the preservation of native vegetation.

5. Joint Use of Driveways. The requested waivers will have no effect on the joint use of driveways.

6. Cross-Access Opportunities. The requested waivers will have no effect on cross-access opportunities.

7. Additional Specific Comprehensive Plan or Other Town Planning Directives. Loxahatchee Groves Commons contains typical neighborhood retail uses, including a grocery store, which by its nature will sell beer and wine, and may have a separate storefront which sells spirits. These proposed uses are within 750' of the property line of

Palm Beach State College. However, as the College does not have a formal site plan at this time, it is not possible to determine if the separation requirement will impact any of the future building locations. As a result, the Applicant has requested a waiver from separation requirements

The provisions of Article 55 were created to protect existing school locations. Further, it includes a provision to allow alcoholic beverage establishments as a legal non-conformity where they exist prior to any school being constructed. However, the code did not contemplate the two uses being approved and planned simultaneously. The proposed waiver from the separation requirements will prevent any future conflicts with Article 55.

Further, the requested waivers are consistent with Article 41.2.E.4, as the requested waivers will not increase the maximum development intensity limitation imposed by the Comprehensive Plan or application of property development regulations in the ULDC.

F. Conceptual Driveway Permit: A conceptual driveway permit from the Florida Department of Transportation has been received for the following three Southern Boulevard driveways: #1 – Right in, right-out, 120 feet west of B Road; #2 - Right in, right-out, 1,105 feet west of B Road; and #3 - Right in, right-out, 545 feet west of Driveway #2.

G. Town Council Workshop and RETAG Review: (Ref: Attachment J7 of the PUD Application). The proposed Groves Town Center PUD was presented to the Town Council at its February 5, 2013 regular meeting. The proposed development is scheduled to be presented to the RETAG at its April 24, 2013 meeting.

H. Market Study: A market study prepared by Land Design South dated March 2013, was submitted as part of the CL/PUD Application.

The Market Study determined that there is sufficient demand to substantiate the proposed commercial facility. The trade area was defined utilizing specific criteria which took into consideration the characteristics and the natural divides of the area, as well as the location of residential areas including access to primary roadways from these residential areas and convenience of similar commercial facilities. The demand for commercial facilities was calculated utilizing the neighborhood space multiplier defined by Palm Beach County for the western communities. The existing demand for neighborhood commercial facilities within this area is adequate for the addition of approximately 348,360 square feet including the demand to support a grocery store.

I. Environmental Assessment: The purpose of the environmental assessment is to document occurrences of any significant environmental resources including vegetative communities, jurisdictional wetland areas, and listed plant or wildlife species.

An Environmental Assessment Report (EAR) was prepared in June of 2012 by EW Consultants as part of Future Land Use Amendment Application 2012-01. No animal

species listed as protected by federal, state or local environmental regulatory agencies, nor any signs of such animals were observed on the property.

A majority of the first 300 feet into the property along the Southern Boulevard frontage has been used for grazing and is not heavily vegetated. However, the portion further into the development includes an area of pines, oaks, sabal palms, other native species and exotic plants such as Brazilian Pepper. This area is primarily located where the Applicant is proposing a 6.5 acre lake in order to satisfy South Florida Water Management (SSFWMD) regulations, including compensating storage and retention requirements. The lake will also buffer and transition to the Palm Beach State College property.

Most of the native plant material is located within the area of the proposed lake and is not suitable for preservation. The areas in and around the development area will be re-graded to meet SFWMD drainage requirements to prevent on-site and off-site flooding.

The Applicant has provided several open space areas and perimeter buffers where trees can be preserved. However, most of these areas include primarily brazilian pepper and not native vegetation. The Applicant intends on removing all exotic vegetation from the open space areas and installing new, healthy native vegetation. Existing sabal palms will be relocated from the proposed lake area to the extent possible.

The Applicant requested and received an historical sites review by the Palm Beach County Archaeologist. His review, dated January 25, 2012, identified one known archaeological site (i.e. No. 8PB11426 -West Palm Beach Canal) located on or within 500 feet of the subject property. The site is potentially eligible for inclusion on the National Register of Historic Places by the State of Florida. If development activities on the subject property impact the Canal, mitigation work may be required by the Florida Division of Historic Resources.

VI. COMPLIANCE WITH REZONING CRITERIA

The proposed rezoning is reviewed in accordance with the following criteria, as directed in Section 160-020(A) (1) – (6) of the ULDC. To meet the requirements for a rezoning, an application must meet criteria A and B, and at least one of criteria C – F.

A. Consistency with the Comprehensive Plan. The request is consistent with the Town's Comprehensive Plan. On August 22, 2012 the Town adopted Ordinance 2012-04 changing the FLU designation of the subject property from Multiple Land Use (MLU) to Commercial Low (CL). In approving the Land Use Amendment, The Town found the CL designation and the proposed development consistent with the goals, objectives and policies of the Comprehensive Plan.

The current zoning designation of the property is Agricultural Residential (AR). In order to attain consistency with the FLU designation, the property must be rezoned to a district that implements the CL land use category. The CL/PUD district is an appropriate zoning district to attain consistency with the CL future land use category.

B. Unwarranted Privileges or Creation of an Isolated District. The request would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts. Similar to the subject property, any owner of a parcel meeting the qualification criteria for the CL future land use designation may apply for the assignment. Once assigned a CL future land use designation, the owner may then apply for a CL or CL/PUD zoning designation.

C. Correction of an Error or Ambiguity. Not applicable.

D. Changed or Changing Conditions. A changed condition was created when the property was assigned the CL future land use category.

E. Inappropriateness of Existing Zoning. The property cannot be used in accordance with the existing zoning designation, as uses approved by assigning the CL future land use category cannot be developed in the AR district.

F. Appropriateness of the Rezoning. The CL/PUD rezoning appropriately implements the CL future land use category assigned to the property.

VII. COMPATIBILITY ANALYSIS

An inventory of land uses adjacent to the 21.73 acre subject property is presented in Section I.I of this analysis. The adjacent property to the north and west is currently assigned a Future Land Use designation of Rural Residential 5 (density of one dwelling unit per five acres). However, the property is owned by Palm Beach State College and is the site of a proposed branch campus. The 16.4 acre parcel adjacent to the subject site to its east, at the northeast corner of Southern Boulevard and "B" Road, is a portion of the 90.32 acre proposed Groves Town Center. The property is assigned a Multiple Land Use land use designation and the Owner has filed an application for a MLU/PUD zoning designation including retail and office commercial and assisted living uses.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, uses whose functions are different can compliment and support each other. For example, a residential use can help support a commercial use and, conversely, the commercial use can provide essential goods and services to residents and businesses of surrounding neighborhoods.

In addition, separation of uses, access management, buffering, screening, setback, height, landscaping, and architectural requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses. Due to the size of the subject property, each of these techniques and directives can be used to insure compatibility with neighboring properties.

The preliminary site plan includes a large lake along the northern boundary of the project that will create an entry feature for Loxahatchee Groves Commons as well as the Palm Beach State College's B Road entrance.

The preliminary site plan also includes perimeter landscape buffers along all four sides of the property in order to maintain the rural character of the area. In addition to perimeter buffers, the preliminary site plan includes landscape planting areas adjacent to the buildings that will compliment the architecture of each building.

VIII. PRELIMINARY STAFF FINDING AND RECOMMENDATION

Planning staff finds REZ 2013-01 to be generally consistent with the intent and direction of the Comprehensive Plan, the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) and the objectives and standards of a PUD, as depicted in Section 41-3 of the ULDC.

However to insure consistency with the Comprehensive Plan and land development regulations, and the results of the various studies and analysis completed in the review of this application, Staff recommends approval of REZ 2013-01 (Ref: Attachment C) subject to the conditions listed in Attachment B.

The Applicant has requested a waiver from the parking space size requirements of the ULDC. Specifically, the Town's Code requires a parking space to be 11' x 22.5' with 28' drive-aisles. The Applicant is requesting a wavier to permit a maximum of 491 parking spaces at 10 feet x 20 feet and 91 spaces at 12 feet x 20 feet, with 26' drive aisles.

Staff can support reducing the parking space sizes, as proposed; however, it is recommended that the drive aisle size remain at 28' to insure adequate space to maneuver in and out of the parking spaces.

The Applicant has also requested a waiver from the alcoholic beverage establishment 750' distance separation requirement from an education center. Staff supports the request, as it relates to the proposed location of Building A2 in relation to Palm Beach State College. As specific State College building locations have not been determined at this time, the requested waiver will prevent any separation requirement issues.

IX. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

A. April 11, 2013 Planning and Zoning Board Meeting

The LPA at its meeting of April 11, 2013 and following a public hearing on the matter, voted to continue application REZ 2013-01 to a future meeting, by a 5-0 vote, to allow staff and the applicant additional time to address the following issues:

1. Confirmation by staff of the County's conclusion that two east-bound left turn lanes at the "B" Road/Southern Boulevard intersection are not required.
2. Preparation of additional support documentation for the proposed parking space and drive aisle waivers.
3. Further analysis of vehicle circulation patterns within the parking areas of the shopping center and outparcel uses to insure that potential conflicts among the various uses are minimized.
4. The locations of Southern Boulevard entrances in relation to parking lot drive aisles and parking space design to insure safe vehicular flow.

B. June 13, 2013 Planning and Zoning Board Meeting

The Local Planning Agency (LPA), at its meeting on June, 13, 2013 and following a public hearing on the matter, voted to recommend approval/denial of REZ 2013 – 01 by a x-y vote.

X. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS (RETAG) COMMITTEE

The RETAG Committee reviewed application REZ 2013-01 at its April 24, 2013 meeting. The RETAG passed a motion by a 3 – 0 vote to compliment the applicant for including an equestrian trail element within the preliminary site plan, and recommend the following actions:

1. Include an equestrian traffic control device(s) (e.g. flashing light, monuments, or bridge, etc.) on "B" Road at the point where trails in Loxahatchee Groves Commons and Groves Town Center meet.

2. Expand the equestrian trail to include a connector along "B" Road to facilitate cross-access with the Palm Beach County State College property.
3. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), investigate and report on the feasibility of incorporating a traffic circle on "B" Road, north of the Palm Beach State College entrance.
4. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), incorporate "local traffic only" signage on "B" Road north of the Palm Beach State College entrance.
5. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), limit the northward extent of paving on "B" Road to the Palm Beach State College entrance or a traffic circle, if included.
6. Add signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Folsom Road.
7. Incorporate fencing on the final site plan to separate the equestrian trails from commercial buildings and parking areas. Also, incorporate shade trees along the trail routes.
8. Comply with the RETAG design and sign guidelines.
9. Retain native plants to the extent possible.
10. Staff shall consult with the Palm Beach County Traffic Division to confirm that a second east-bound left turn lane at the "B" Road/Southern Boulevard intersection is not necessary.

XI. FINAL STAFF RECOMMENDATION

Staff recommends approval/denial of REZ 2013-01 subject to the conditions of approval presented in Attachment B.

XII. TOWN COUNCIL ACTION

The Town Council, at its meeting of xxx, yy, 2013 and following a public hearing on the matter, voted to approve/deny REZ 2013 – 01 on first reading (i.e. Ordinance 2013-00x) by a x-y vote. The Town Council, at its meeting of xxx, yy, 2013 voted to approve/deny REZ 2013 – 01 on second reading (i.e. Ordinance 2013-00x) by a x-y vote.

**ATTACHMENT A
LOXAHATCHEE GROVES COMMONS
TRAFFIC PERFORMANCE STANDARDS REVIEW**



**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

- Shelley Vana, Chair
- Steven L. Abrams, Vice Chairman
- Karen T. Marcus
- Paulette Burdick
- Burt Aaronson
- Jess R. Santamaria
- Priscilla A. Taylor

County Administrator

Robert Weisman

November 5, 2012

Juan Ortega, P.E., Ph.D.
Director, Land Design South
400 Columbia Drive, Suite 110
West Palm Beach, FL 33409

**RE: Loxahatchee Groves Commons
PBC Project No. 120904
Traffic Performance Standards Review**

Dear Dr. Ortega:

The Palm Beach County Traffic Division has reviewed the revised traffic impact analysis prepared by Land Design South and dated October 5, 2012 for the Proposed Development entitled **Loxahatchee Groves Commons** pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code. The traffic analysis was submitted to increase the project intensity and extend the buildout to year 2017. The project is summarized as follows:

Location:	Northwest corner of Southern Blvd. and B Road
PCN:	portions of 41-41-43-17-01-801-0010 and -803-0010 (21.73 ac total)
Municipality:	Loxahatchee Groves
Existing Uses:	Vacant
Proposed Uses:	72,255 sf Retail, 14,600 sf Pharmacy w/ Drive-thru, 3,800 sf Drive-in Bank, and 4,000 Fast-Food Restaurant w/ Drive-thru
New Daily Trips:	4,677 tpd
New PH Trips:	167 AM (92/75) and 476 PM (233/243)
Build-Out:	December 31, 2017

Based on our review, the Traffic Division has determined the proposed development meets the Traffic Performance Standards of Palm Beach County subject to the following conditions. Note that all these conditions must be included in any development order(s) issued for this project or the TPS approval will be invalidated. Any future request to modify these conditions of approval must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

1. In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no Building Permits for the site shall be issued after December 31, 2017.
2. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

*"An Equal Opportunity
Affirmative Action Employer"*



Dr. Juan Ortega, P.E., Ph.D.
November 5, 2012
Page 2 of 2

In addition to the above conditions required by TPS, the town is encouraged to impose the following condition to mitigate project impacts:

1. The property owner shall construct:
 - i. B Road as a continuous 2-lane paved roadway between Southern Blvd. and Okeechobee Blvd., including a traffic separator from Southern Blvd. to a minimum 660 feet north of Southern Blvd.,
 - ii. A south approach left turn lane on B Road at the project's first access connection north of the terminus for the traffic separator, and
 - iii. A west approach right turn lane on Southern Blvd. at each of the project access connections.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for this construction shall be obtained prior to the issuance of the first building permit.

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

Finally, FDOT District Four has provided the attached review comments and recommendations for the development. FDOT recommends that the Town condition this project to provide cross access connections to the proposed state college satellite campus. FDOT further recommends that the project show connections to a future shared use path planned for the north side of SR 80 adjacent to the site.

Please contact me at 684-4030 with any questions.

Sincerely,

Nick Uhren, P.E.
Sr. Professional Engineer - Traffic Division

NU:sf

Attach: FDOT Comment Letter

Ec: Recipient (jortega@landdesignsouth.com)
Mark Kutney – Loxahatchee Groves Town Manager (mkutney@loxahatcheegroves.org)
Jim Fleischmann – Loxahatchee Groves Consultant (lmijim@bellsouth.net)
Lisa Dykstra – FDOT District Four (lisa.dykstra@dot.state.fl.us)

File: General - TPS - Mun - Traffic Study Review
N:\TRAFFIC\MA\ADMIN\APPROVALS\2012\120904.DOC

ATTACHMENT B
LOXAHATCHEE GROVES COMMONS
PROPOSED CONDITIONS OF APPROVAL

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Final site plans shall conform to the Site Plan (Conceptual Master Plan) dated June 3, 2013 and the Statement of Use included as Attachment J2 of the PUD Rezoning Application. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.
3. Any subdivision by fee title conveyance of internal lots which are subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code.
4. Cross access shall be provided to the Palm Beach State College property, at a location mutually determined.
5. Prior to submitting an initial final site plan approval application and all subsequent final site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the final site plan application(s).

B. ENGINEERING

1. In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no Building Permits for the site shall be issued after December 31, 2017.
2. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.
3. The property owner shall construct B Road as a 2-lane paved roadway, including a traffic separator, from Southern Blvd. to a minimum 660 feet north of Southern Boulevard.
3. The property owner shall enter into an agreement with Palm Beach State College and the owner of the Groves Town Center property to construct B Road as a continuous 2-lane roadway surface between a point a minimum of 660 feet north of Southern Boulevard to Okeechobee Boulevard prior to site plan approval of the first development phase.
4. The property owner shall construct a south approach left turn lane on B Road at the project's first access connection north of the terminus for the traffic separator.

5. The property owner shall construct a west approach right turn lane on Southern Boulevard at each of the project access connections.

6. Construction of items 3 - 5, above shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required for this construction shall be obtained prior to the issuance of the first building permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

7. Any future request to modify Conditions 1 – 5 must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

C. LAND CLEARING AND LANDSCAPING

1. Any land clearing activities must comply with the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (Ordinance 2010-008).

2. In conjunction with a final site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town of Loxahatchee Groves for review and approval.

3. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers

4. Prior to the permitting of any development or earthmoving activities, a Phase 1 Archaeological Survey of the property shall be completed.

5. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be screened from public view.

D. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. Expand the equestrian trail to include a connector along "B" Road to facilitate cross-access with the Palm Beach County State College property.

2. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center:

(a) Include an equestrian traffic control device(s) (e.g. flashing light, monuments, etc.) on "B" Road at the point where trails in Loxahatchee Groves Commons and Groves Town Center meet.

(b) Investigate and report on the feasibility of incorporating a traffic circle on "B" Road, north of the Palm Beach State College entrance.

- (c) Incorporate "local traffic only" signage on "B" Road north of the Palm Beach State College entrance.
 - (d) Limit the northward extent of paving on "B" Road to the Palm Beach State College entrance or a traffic circle, if included.
 - (e) Investigate and report regarding the feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Folsom Road.
3. Incorporate fencing on the final site plan to separate the equestrian trails from commercial buildings and parking areas, as necessary. Also, incorporate shade trees along the trail routes.
 4. Comply with the RETAG design and sign guidelines.
 5. Retain native plants to the extent possible.

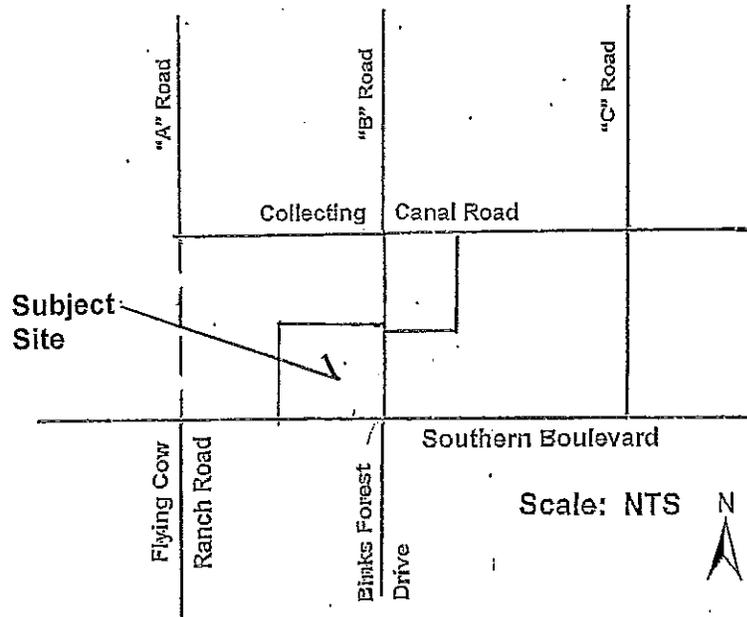
E. PUD WAIVERS

1. The following waiver to Section 95-025: "*Size of parking spaces*" of the Unified Land Development Code reducing the standard space size from eleven feet by twenty-two and one-half feet (11' x 22.5') is granted: A minimum of ninety-one (91) parking spaces to be sized at twelve feet by twenty feet (12' x 20') and the balance of the spaces provided to be sized at ten feet by twenty feet (10' x 20'). Drive aisles shall remain at the ULDC required twenty-eight feet (28') in width.

2. A waiver to Section 55-010: "*Separation requirements*" of the Unified Land Development Code is granted eliminating the 750 foot separation requirement as it may pertain to Building A2 of Loxahatchee Groves Commons, as shown on the Preliminary Site Plan dated March 5, 2013, and any future education center buildings located on the adjacent Palm Beach State College property.

**ATTACHMENT C
LOXAHATCHEE GROVES COMMONS
ZONING MAP AMENDMENT**

**REZ 2013-01
Agricultural Residential (AR)
TO
Commercial Low Planned Unit Development (CL/PUD)**



M E M O R A N D U M

DATE: June 5, 2013
TO: Jim Fleischmann, Town Planning Consultant
FROM: Land Design South
RE: Loxahatchee Groves Commons – Responses to P&Z Board Comments

Jim,

I have enclosed several revised documents in our application that are a result of comments and concerns raised by the Planning and Zoning Board members last month. Below were three items that they specifically discussed and I have included our actions and responses to those items. If you should require any additional information please do not hesitate to contact our office.

1. Provide additional support documentation for the proposed parking waivers.

RESPONSE: In response to the parking waiver comments, we visited several shopping centers and other commercial uses located in The Acreage, Royal Palm Beach, and Wellington area to observe how larger pickup trucks and smaller vehicles interacted as well as how the parking lot functioned. We also observed the number of larger vehicles utilizing the parking areas in relationship to smaller vehicles from 430pm to 630pm on Monday, May 21, 2013. The observations that were most redundant was that the parking lots were typically being used by only a small fraction, if any, of larger vehicles and when larger trucks and/or vehicles were observed they typically parked further away from the front door towards the main access to the center. Presumably to avoid conflicts with smaller vehicles and for ease of access. Below is a summary of the results that we found on May 20, 2013 from 430pm until 630pm:

Seminole Orange Groves Plaza

- +/-360 Total Parking Spaces (including outparcels)
- 39 Pickup Trucks (includes various models similar to F-150, Tundra, Silverado's, etc...)
- 1 dual axle pickup truck
- +/-110 cars (sedans, minivans, small Sport Utility Vehicle's)
- <1% of parking lot utilized by dual axle vehicles

John Deere – Southern Blvd

- +/-22 Parking Spaces
- 11 Pickup Trucks (includes various models similar to F-150, Tundra, Silverado's, etc...)
- 1 dual axle pickup truck

- 3 cars/Small SUV's
- 4% of parking lot utilized by dual axle vehicles

Crestwood Publix Shopping Center

- +/-450 Total Parking Spaces
- 14 Pickup Trucks (includes various models similar to F-150, Tundra, Silverado's, etc...)
- 1 dual axle pickup truck
- 3 cars/Small SUV's
- <1% of parking lot utilized by dual axle vehicles

Home Depot – SR7 and Southern Blvd

- +/-475 Total Parking Spaces (near Home Depot ONLY)
- 24 Pickup Trucks (includes various models similar to F-150, Tundra, Silverado's, etc...)
- 19 Commercial Van's (includes various models similar to Econoline)
- 1 dual axle pickup truck
- 24 cars/Small SUV's
- <1% of parking lot utilized by dual axle vehicles

Taking these observations into account, the applicant is proposing to provide approximately 91 parking spaces (+/-15%) that are 12' x 20' in the center of the project immediately adjacent to the main north/south access aisle from Southern Boulevard. The applicant believes that it would not be environmentally sensitive to provide an entire parking lot with larger spaces, which creates more pavement area, more lighting, and more of an impact, when a majority of the vehicles utilizing the parking lot are smaller and can easily operate in 10' x 20' spaces with a 26' drive aisle which is being proposed for the parking lot.

2. Provide further analysis of vehicular circulation patterns within the parking areas of the center and outparcels to insure that potential conflicts among uses are minimized.

RESPONSE: The applicant has reviewed the internal vehicular circulation and is proposing revisions to the site plan as enclosed. The changes include shifting the fast food parcel to the east closer to the Southern Blvd entrance to allow for easy ingress and egress. This also allowed for a larger throat distance at this entrance to minimize conflicts with cars entering the site and wanting to access the pharmacy and bank. Lastly, the applicant is also proposing to designate an area for larger parking spaces, 12' x 20', which is centrally located to the development but easily accessible off of the main entrance drive. The justification for this was described in greater detail in the previous comment response.

The applicant is also proposing to relocate the community park to the north of the Tangerine Extension which will minimize conflict with the rest of the parking areas. This also provides for a more aesthetic look to the community park by having it located immediately adjacent to the proposed lake. It also provides a safer opportunity for horses pedestrians to enjoy the park area.

3. Review the locations of the Southern Boulevard entrances in relation to parking lot drive aisles and parking space design to insure safe vehicular flow.

RESPONSE: The applicant has proposed to relocate the entrance on Southern Boulevard further to the east which is currently pending FDOT approval. This modification allows the plan to be revised specifically to address the throat distance at this entrance. Previously cars could enter the site from Southern Boulevard and make an immediate left turn to go to the fast food restaurant. While meeting all standards and regulations, the applicant acknowledges that can lead to congestion at the entrance to a main roadway so the ability to make this turn has been pushed much further into the site to lessen the conflicts. The changes mentioned in previous comment responses have also helped provided better vehicular flow specifically for larger vehicles.

Sincerely,

LAND DESIGN SOUTH

Leslie Murrell
Principal



5.a. NEW BUSINESS

APPLICATION NUMBER: SITE PLAN AMENDMENT APPLICATION SPA 2013-01

Valley Crest (Magic Properties)

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD AGENDA
REGULAR MEETING**

**June 13, 2013
7:00 P.M.**

**STAFF SUMMARY: LOCAL PLANNING AGENCY AGENDA ITEM
SITE PLAN AMENDMENT APPLICATION SPA 2013-01**

Project Name: Valley Crest (Magic Properties)

Agent: David J. Coviello

Applicant: Magic Properties V, LLC

Owner: Magic Properties V, LLC

Parcel Control Number (PCN): 41-41-43-17-01-510-0030

Project Location: 13710 Okeechobee Blvd.; South side of Okeechobee Blvd., approximately 0.25 miles west of "F" road.

Size of Property: 5.0 acres

Present Land Use and Zoning Designation: Rural Residential 5 (RR5);
Agricultural Residential (AR)

Existing Use: Landscape Maintenance Business

Approved Use: Wholesale Nursery Principal Use/Landscape Service Accessory
Use (Refer to Resolution 2013-02, Attachment A)

Proposed Use: Landscape Service Principal Use (Refer to Proposed Site Plan
and Statement of Use, Attachment B).

Background

On March 19, 2008, a citizen code enforcement complaint was filed with the Town regarding a potential violation of the Palm Beach County Unified Land Development Code (ULDC) concerning the operation of a landscape maintenance business on a parcel (i.e. not properly zoned for such an activity).

On December 28, 2011, the Town's Special Magistrate for code enforcement directed the property owner to comply with Article 4, Chapter A Section 3A Table 4.A.3-1 and Chapter B Section 1A.77 of the Palm Beach County ULDC.

In response to the Special Magistrate's Order and preliminary staff review, the property owner submitted a Site Plan Approval application to the Town for approval of a "Wholesale Nursery Principal Use/ Landscape Service Accessory Use" business.

The proposed site plan was approved (Resolution 2013-02) by the Town Council on March 5, 2013. Resolution 2013-02 included several conditions of approval, including General Condition 5, which required the applicant, within 6 months, to file a site plan amendment application requesting that the Wholesale Nursery Principal Use and the Landscape Nursery Accessory Use be deleted and replaced by a Landscape Service Principal Use.

Summary of Request

The property is currently being used as a landscape service business, and the subject of a Town code enforcement action (i.e. Case Number CE 08-067). The proposed site plan amendment for a landscape service principal use represents the applicant's response to Condition 5 of Resolution 2013-02 approving the current site plan (i.e. Wholesale Nursery Principal Use and the Landscape Nursery Accessory Use). Approval of the proposed site plan will allow the property to become compliant with Special Magistrate's Order and Condition 5 of Town Resolution 2013-02.

The following five existing buildings, which currently serve as a dispatch location serving greater Palm Beach County, will be retained and serve the proposed landscape service business principal use:

- Office Building (2,166 sq. ft.) – Main office for the facility, including general office space, conference areas, and an employee lounge.
- Maintenance Building (2,200 sq. ft.) – Primary location for repair and maintenance of landscape equipment and machinery.
- Storage Building (860 sq. ft. located adjacent to the Office Building) – Storage for the landscape services business and employees.
- Two Storage Buildings (1,691 sq. ft. and 235 sq. ft. located at the rear of the property) – Storage of landscape maintenance supplies, including fertilizers and other chemicals.

Additional existing and proposed on-site facilities include:

- Vegetative Waste Storage Area - A 100' x 100' area setback a minimum of 50 feet from adjacent property lines where vegetative waste material from various job sites is deposited. Plant material remains on-site and decomposes over time. The final product will be spread over the property

and used as mulch. The maximum vegetative waste pile height is limited to 10', exceeding Palm Beach County fire prevention requirements, and is located within 1,000 feet of an approved water supply capable of delivering 1,000 gallons per minute of flow.

- Parking Fields – Rather than conventional parking lots, two parking areas are proposed to accommodate employee and business vehicles and equipment.
- Infrastructure facilities – Individual well and septic tank provide water and wastewater service for the facility, and an above-ground fuel tank and pumps provide fuel for the landscape maintenance vehicles.

Chipping and mulching of the imported yard waste will be performed by a "vertical grinder" on an "as-needed" basis up to a maximum of four times per year. The vertical grinder, which is used to minimize dust generation and impacts upon neighboring properties, will not be permanently located on-site; rather it will be imported to the site from an outside location. Hours of operation for the vertical grinder are limited to 9:00 a.m. to 5:00 p.m. Monday through Friday.

Recent Compliance Activity

The applicant has completed the following activities related to compliance with Resolution 2013-02 conditions of approval:

1. General Condition #6 - Resolution 2013-02 has been filed with the Palm Beach County Clerk of Courts on May 31, 2013; (Record Book 26056/Pages 884 – 898).
2. Public Safety Condition #1 –A Knox Box has been installed at the entry gate in case of emergency. Once the Knox Box was installed, Valley Crest ceased truck parking in front of the entrance gate during evening hours.
3. Utilities and Services Condition #3 - – The existing septic tank and drain field have been replaced. Evidence of the replacements and approval by the Florida Department of Health has been provided by the Applicant.
4. Use Limitations Conditions #1(d) and (e) – The vegetative waste pile was adjusted to comply with the following requirements: 10 foot height limit; 100 feet x 100 feet vegetative waste area limitation; 20 foot clearance for emergency and fire vehicle access; and 50 foot setback from the property line.

In addition to the above condition compliance activities, Valley Crest is in the process of constructing multiple berms to screen the vegetative waste pile from Okeechobee Boulevard. Vegetative material will be shifted to various on-site locations during the berm construction process.

Adjacent Land Uses

The 5.0 acre subject property is located on the south side of Okeechobee Boulevard approximately 0.25 miles west of "E" Road. To the north, beyond Okeechobee Boulevard, is the 7.8 acre Palms West Presbyterian Church.

To the south, the subject site is bordered by two single-family residences located on Farley Road. Each residential parcel is 2 acres in size.

To the east, the subject site is bordered by a 5.0 acre vacated ornamental nursery parcel owned by Loxahatchee Landco LLC. The property is assigned a classified agricultural use designation by the Palm Beach County property Appraiser.

To the west, the subject site is bordered by a vacant 5.0 acre parcel owned by Theodore Vache.

All adjacent properties are currently assigned the Rural Residential 5 Future Land Use and Agricultural Residential (AR) zoning designations.

Infrastructure Analysis

Utilities

The property is located within the Palm Beach County Water Utilities Department (PBCWUD) service area. The property is currently being served by on-site potable water (individual well) and wastewater (septic tank) systems.

A survey of the septic system was completed by a licensed contractor. The septic tank capacity is 900 gallons per day and the drainfield is 1,350 sq. ft. (5 trenches at 15 feet x 18 feet each). At 15 gpd per employee and 15 gpd per 100 sq. ft. of drainfield, the system is sized to accommodate existing on-site employment. The survey also indicated that the septic tank needs to be replaced and the drainfield repaired. According to the applicant, both of these improvements have been completed.

Drainage

Drainage in the Town is provided by a system of canals owned and operated by the Loxahatchee Groves Water Control District (LGWCD) that convey stormwater to structures that control the amount of water discharged to the South Florida

Water Management District (SFWMD) system. The LGWCD system is designed to remove 1.0 inches of runoff in 24 hours from one square mile.

According to the drainage statement provided by the Applicant (Site Plan Application, Attachment D), legal positive outfall is available via a Palm Beach County canal/ditch on the south side of Okeechobee Boulevard adjacent to the north property line of the subject plot. It is further stated in the application that no site modifications related to drainage are proposed to accommodate the proposed site plan.

The Town is located within the C-51 Basin, and is therefore subject to the South Florida Water Management District C-51 Basin criteria, as well as its other stormwater quality and quantity rules.

Solid Waste

The Solid Waste Authority (SWA) of Palm Beach County is responsible for the disposal of solid waste generated in Palm Beach County. The SWA has indicated in January 2011 that the current lifespan of the landfill is 2031.

The Town has contracted a private hauler to collect and transport residential solid waste to the appropriate SWA facility. Commercial businesses and nurseries are required to contract for these services directly with a private hauler. The applicant has indicated that vegetative waste generated by the nursery and landscape businesses will remain on-site, decomposed over time, and spread over the property and/or used as mulch or transported to an approved disposal location.

Traffic

The applicant submitted an analysis (Ref: Site Plan Application, Attachment D of the initial site plan amendment application) used to review future traffic impacts consistent with the requirements and standards of Article 12 of the Palm Beach County Unified Land Development Code. Based on the study, which included impacts generated by both the wholesale nursery and landscape service businesses, the Palm Beach County Traffic Division stated (Letter dated July 30, 2012) that the proposed site plan meets the Traffic Performance Standards of Palm Beach County subject to the following condition which must be included in any development order for the project:

“In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no Building Permits for the site shall be issued after December 31, 2013”.

Any future request to modify the above condition of approval must be based on an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

The proposed site plan amendment includes only a landscape service use. A letter from Applicant's traffic engineer has been provided stating that traffic from the proposed site plan amendment will not exceed the level generated by the approved site plan. It is therefore determined by staff that the County's previous conclusion (i.e. the wholesale nursery and landscape service uses meet the Traffic Performance Standards) remains valid and subject to the above stated condition of approval.

Findings and Recommendation

The initial site plan approval (Resolution 2013-02) included an existing landscape service business expanded to include a wholesale nursery operation. Due to the minimal amount of site development proposed, staff waived several site plan application requirements based on the property owner's certification (Ref: signed Affidavit included in Attachment C of the initial site plan application) that the following actions or improvements will not occur unless appropriate permits are received from the Town and any other agencies having jurisdiction, including the provision of necessary associated application documents:

- Paving or drainage improvements.
- Provision of central water and sewer facilities.
- Erection of signs or outdoor lighting.
- Structure additions or improvements.
- Existing vegetation removal.

The proposed site plan amendment will allow for the existing use to become a legal conforming use, per Section 75-010 of the ULDC. Due to the minimal amount of site development proposed, staff has again waived several site plan application requirements. Staff will include a condition of approval linking the proposed site plan amendment to the Affidavit included in Attachment C of the initial site plan application.

Comments were received from the following agencies at a pre-application meeting for the initial site plan application on May 16, 2012:

- Palm Beach County Health Department (PCHD) – Provided that the proposed operations consist of importing, grinding and on-site use of vegetative materials, no permit is required from PBCHD.
- Palm Beach County Solid Waste Authority (SWA) – As long as fees are not charged to import vegetative materials to the on-site Yard Waste Storage Area an SWA permit is not required.

- Palm Beach County Fire Rescue – Accessibility to the Yard Waste Storage Area and a water source are two issues. In terms of accessibility, it is recommended that a Knox Box be installed at the entry gate for use in case of emergency if the driveway is blocked. Also, the farthest extent of the vegetative waste pile must be within 1,000 feet of a fire hydrant that produces a flow of at least 1,000 gallons per minute (gpm).

As each of the above comments relate to the landscape service use, they remain valid concerns in terms of evaluating the proposed site plan amendment.

The applicant has contacted the Palm Beach County Water Utilities Department (PBCWUD) and received correspondence stating that a water flow test had been conducted showing that the fire hydrant located on Okeechobee Boulevard in front of the subject property currently discharges water at a rate of 1,200 gpm. Flow test results satisfy the Palm Beach County Fire Rescue concern.

The only comments received from the Town's Development Review Committee (DRC) were from the Palm Beach County Health Department (PBCHD), which stated no objections to the proposed site plan. However, as the site is served by a Limited Use Well and an Onsite Sewage Treatment and Disposal System (OSTDS), PBCHD requested that the applicant supply a letter from a Certified Septic contractor as to the size and condition of the septic tank and drainfield.

A survey of the septic system was completed by a licensed contractor. The septic tank capacity is 900 gallons per day and the drainfield is 1,350 sq. ft. (5 trenches at 15 feet x 18 feet each). At 15 gpd per employee and 15 gpd per 100 sq. ft. of drainfield, the system is sized to accommodate existing on-site employment. The survey also indicated that the septic tank needs to be replaced and the drainfield repaired. Based upon this recommendation, the Applicant has replaced the septic tank and repaired the drainfield.

Planning and Zoning Board Recommendation

The Town Planning and Zoning Board, at its June 13, 2013 meeting, recommended approval/denial of the site plan amendment application by a x – y vote based upon a finding that the site plan is xxx:

Staff Finding

Since the Planning and Zoning Board recommended denial of the initial site plan (Resolution 2013-02) due to inconsistency with Article 4 Chapter B Section 77.d of the Palm Beach County ULDC which states that landscape service businesses shall not store debris outdoors. It was Planning and Zoning Board's opinion that the Vegetative Waste Storage Area constitutes outdoor storage of debris.

Based upon the applicant's Statement of Use, the Vegetative Waste Storage Area will be used to temporarily store, decompose and chip, as necessary, imported yard waste, consisting primarily of palm tree fronds, and tree branches, as well as grass clippings for the purpose of spreading it as mulch material on on-site pervious areas. Staff therefore determines that the Vegetative Waste Storage Area is an open facility used for the temporary storage and recycling of an unprocessed resource (vegetation waste) for use on the property, and not an area for the outdoor storage of debris.

As the term "debris" is not defined in the ULDC, Webster's Dictionary is used. Webster's includes three basic characteristics to define the term;

- Debris consists of the remains of something broken down or destroyed.
- Debris consists of an accumulation of fragments of rock.
- Debris is something discarded.

Since the yard waste is processed and used as a mulch resource, and not discarded, it is staff's opinion that it is not debris. As a result, staff does not concur with the Planning and Zoning Board finding that the initial site plan violates outdoor storage requirements in the AR District.

The following definitions from Section 62-701.200 of the Florida Administrative Code (F.A.C.) are offered in support of the staff interpretation:

- "Land clearing debris means" rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project. (emphasis added)
- "Yard trash" means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils.
- "Recycling" means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

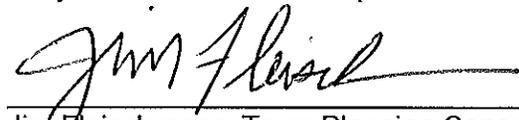
Town Planning staff, its consultants, and the Development Review Committee (DRC) have reviewed (Ref: Attachment C) Site Plan Amendment Application SPA 2013-01 (Valley Crest) in terms of the requirements of the Palm Beach County ULDC.

Valley Crest Site Plan Amendment Review
SPA 2013-01
May 31, 2013

Staff finds the application, subject to the Conditions of Approval, as stated in Attachment E, consistent with the requirements of the Palm Beach County ULDC (effective March 19, 2008).

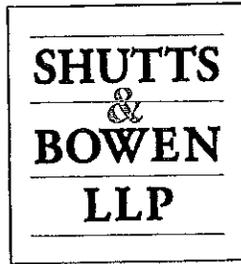
Staff Recommendation

Based upon the analysis performed, staff recommends approval of SPA 2013-01 subject to the conditions presented in Attachment E.



Jim Fleischmann, Town Planning Consultant

**ATTACHMENT A
VALLEY CREST SITE PLAN AND STATEMENT OF USE
(Resolution 2013-02)**



DAVID J. COVIELLO
PARTNER
(305) 415-9437 Direct Telephone
(305) 415-9837 Direct Facsimile

E-MAIL ADDRESS:
dcoviello@shutts.com

December 31, 2012

VIA E-MAIL

Mr. Mark Kutney, Town Manager
Town of Loxahatchee Groves
14579 Southern Boulevard, Suite 2
Loxahatchee Groves, Florida 33470

Re: **13710 Okeechobee Boulevard ("Property") – Site Plan Approval (SP-12-1)**
REVISED STATEMENT OF USE

Dear Mr. Kutney:

As you know, this firm represents the owner of the Property, Magic Properties V, LLC (the "Owner"), in connection with the above referenced site plan approval application. Below is a revised Statement of Use describing the use of each building, fuel pumps and vegetative waste storage, including location and dimensions, as shown on the revised Site Plan prepared by H&L Consultants dated March 7, 2012 and revised to December 31, 2012.

I. Statement of Use:

ValleyCrest Companies, the parent company of the Owner, is the largest landscape services company in the nation, offering landscape design, installation and maintenance. The facility located at the Property will serve as a wholesale nursery (principal use) and landscape service (accessory use) facility serving the greater Palm Beach County area.

A. Structures:

The existing structures on the Property as shown on the Site Plan will be utilized as follows:

Office Building (2,166 square feet) – this structure serves as the main office for the facility and includes general office space, conference areas and an employee lounge.

Maintenance Building (2,200 square feet) – this structure serves as the primary area for minor repairs and maintenance of the landscape and nursery equipment utilized in connection with both the landscape service and wholesale nursery components of the business.

Storage Building adjacent to Office (860 square feet) – this structure serves as storage for both the landscape service and wholesale nursery components. It also includes employee areas.

Storage Buildings to the rear of the Property (1,691 square feet and 235 square feet) - the structures serve as storage for both the landscape service and wholesale nursery components, including storage of fertilizers and other chemicals.

B. Vegetative Waste Storage Area (Management Plan):

The vegetative waste storage area consists of a dedicated area of the Property where vegetative waste material generated primarily by the landscape service business is dropped-off on a daily basis from job sites within Palm Beach County. The material, entirely free of non-organics, consists primarily of palm tree fronds and tree branches, as well as grass clippings. A separate fee for removal and disposal of the material from job sites is not charged to customers.

The “vegetative waste storage area” as shown on the Site Plan has been reduced in size from 100 feet by 200 feet to 100 feet by 100 feet with a maximum height of 15 feet, and complies with all Palm Beach County fire prevention requirements. Specifically, a minimum of 20 feet clearance is provided for emergency and fire vehicular access. Further, there is an approved water supply capable of delivering 1,000 gallons per minute within 1,000 feet of the vegetative waste storage area (i.e., the existing fire hydrant on Okeechobee Boulevard).

Within the size limitations described above, the unprocessed material remains on the Property for approximately 90 days. During this time, the natural composting of the finer material is significant. After 90 days, a grinder is brought on the Property and used to chip the larger tree branches. To minimize dust and avoid any impact to surrounding property, a vertical grinder is used. Moreover, the grinding is limited to 4 times a year. On those particular days, the grinder will be operated during the hours of 9:00 a.m. to 5:00 p.m., and will not be operated on weekends.

Once the material is composted and/or chipped, it is deposited on the Property within the nursery area. Due to the size of the Property, and the nursery area in particular (i.e., 2.5 acres), on-site use of the material is feasible.

C. Fuel Tank/Pump:

The Property contains a fuel tank/fuel pump located in the center of the Property, which provides fuel to the landscape maintenance vehicles. The fuel tank/pump is setback greater than 20 feet from the boundary of the Property, and will be completely screened from view by a continuous solid opaque hedge a minimum of 4 feet in height.

Mr. Mark Kutney
December 31, 2012
Page 3

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

SHUTTS & BOWEN LLP



David J. Coviello

Enclosures

cc: Magic Properties V, LLC

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CONDITIONS OF APPROVAL

GENERAL

1. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit C (Site Plan) of Resolution 2013-02. The approved site plan is dated February 6, 2013. All modifications to the approved site plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.
2. The landscape service use is approved as an accessory use and shall remain operational only in conjunction with the wholesale nursery principal use.
3. None of the following activities shall take place on the site without first obtaining necessary approvals by or permits from the Town of Loxahatchee Groves: new construction of a structure or additions or improvements to an existing structure; paving or drainage improvements; existing vegetation removal; provision of central water and sewer facilities; erection of signs or outdoor lighting.
4. Existing accessory structures may be set back a distance of 25 feet from the side and rear property lines; however, any additional future principal or accessory buildings shall observe a 50 foot setback.
5. Within 6 months of the approval of the site plan by the Town Council, a revised site plan application shall be submitted to the Town deleting the Wholesale Nursery Principal Use and Landscape Service Accessory Use and proposing a Landscape Service Principal Use.
6. The final site plan approval resolution shall be recorded with the Palm Beach County Clerk of Courts at the expense of the applicant.

ARCHITECTURAL REVIEW

1. Not applicable.

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

A) No Building Permits for the site may be issued after December 31, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code.

2. Corridor Conveyance of Road Right of Way: Not Applicable
3. The Property owner shall construct the following: Not Applicable

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities must comply with the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (Ordinance 2010-008).
2. Existing native vegetative along all property lines shall be maintained.
3. Prior to the issuance of any future building permit, the property owner shall submit a Landscape Plan application to the Town of Loxahatchee Groves for review and approval.

EXTERIOR LIGHTING

1. Not Applicable.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved site plan.

SIGNS

1. Not Applicable.

USE LIMITATIONS

1. Vegetative Waste Storage and Processing is permitted subject to the following:
 - a. Unprocessed vegetative waste shall be generated solely by the wholesale nursery and landscape service uses.
 - b. Vegetative waste operations shall consist solely of importing, temporary storage, decomposing, vertical grinding and on-site use or licensed off-site disposal of materials.
 - c. Fees shall not be charged to import unprocessed vegetative waste materials to the on-site Yard Waste Storage Area.
 - d. Outdoor storage of unprocessed vegetative waste material shall be limited to 90 days and the pile height of storage material shall be limited to a maximum of 10 feet. A minimum 20 feet of clearance shall be provided for emergency and fire vehicular access.

e. Outdoor storage of unprocessed vegetative waste shall be limited to the 100 foot x 100 foot Yard Waste Storage Area, as depicted on the approved site plan, which shall be set back a minimum of 50 feet from any property line and screened from view from a public road.

f. Chipping and mulching of vegetative waste shall only be performed by a “vertical grinder” on an “as-needed” basis, not to exceed a maximum of 4 times per year, during the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. The vertical grinder shall not be permanently located on-site; rather it shall be imported to the site when needed from an off-site location.

2. Outdoor storage of debris, defined as an accumulation of material to be discarded, is prohibited.

3. Outdoor storage of other than vegetative waste shall only be allowed when incidental to the permitted principal and accessory uses of the property.

4. Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000, including load, is prohibited from 7:00 p.m. to 6:00 a.m. daily.

5. The use of barbed wire is prohibited.

UTILITIES AND SERVICES

1. Above ground accessory fuel, gas or chemical storage tanks shall be setback a minimum of 20 feet from any property line and shall be completely screened from view by a continuous solid opaque hedge a minimum of 4 feet in height around the perimeter of the tank enclosure.

2. A minimum of one refuse container and one recycling container shall be provided. The refuse container shall be stored in a storage area and have a minimum dimension of 10 feet by 10 feet. Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of 10 feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch high shrub planted 24 inches on center.

3. The existing septic tank shall be replaced and drain field repaired within 30 days of the approval of the site plan by the Town Council.

PUBLIC SAFETY

1. A Knox Box shall be installed at the entry gate for use in case of emergency.

COMPLIANCE

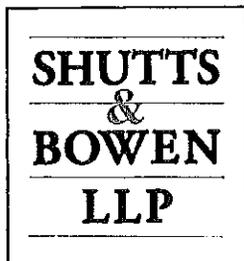
1. In granting this approval, the Town of Loxahatchee Groves relied upon the oral and written representations, including the Revised Statement of Use dated December 31, 2012 drafted by

applicant's agent Shutts Bowen LLP, of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Town Manager for review under the compliance condition of this approval.

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the site plan approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to Code Enforcement Special Master.

**ATTACHMENT B
VALLEY CREST
SITE PLAN AMENDMENT (SPA 2013-01)* AND STATEMENT OF USE**



DAVID J. COVIELLO
PARTNER
(305) 415-9437 Direct Telephone
(305) 415-9837 Direct Facsimile

E-MAIL ADDRESS:
dcoviello@shutts.com

May 20, 2013

VIA U.S. MAIL AND E-MAIL

Mr. Mark Kutney, Town Manager
Town of Loxahatchee Groves
14579 Southern Boulevard, Suite 2
Loxahatchee Groves, Florida 33470

**Re: 13710 Okeechobee Boulevard ("Property") – Amendment to Site Plan
Approval (SP-12-1)
REVISED STATEMENT OF USE**

Dear Mr. Kutney:

As you know, this firm represents the owner of the Property, Magic Properties V, LLC (the "Owner"), in connection with the above referenced amendment to site plan approval application. Below is a revised Statement of Use describing the use of each building, fuel pumps and vegetative waste storage, including location and dimensions, as shown on the revised Site Plan prepared by H&L Consultants dated March 7, 2012 and revised to March 18, 2013.

I. Statement of Use:

ValleyCrest Companies, the parent company of the Owner, is the largest landscape services company in the nation, offering landscape design, installation and maintenance. The facility located at the Property will serve as a landscape service facility serving the greater Palm Beach County area.

A. Structures:

The existing structures on the Property as shown on the Site Plan will be utilized as follows:

Office Building (2,166 square feet) – this structure serves as the main office for the facility and includes general office space, conference areas and an employee lounge.

Maintenance Building (2,200 square feet) – this structure serves as the primary area for minor repairs and maintenance of the landscape service equipment.

Storage Building adjacent to Office (860 square feet) – this structure serves as storage for the landscape service business. It also includes employee areas.

Storage Buildings to the rear of the Property (1,691 square feet and 235 square feet) - the structures serve as additional storage for the landscape service business, including storage of fertilizers and other chemicals.

B. Vegetative Waste Storage Area (Management Plan):

The vegetative waste storage area consists of a dedicated area of the Property to be screened from the right-of-way by a landscaped berm where vegetative waste material generated by the landscape service business is dropped-off on a daily basis from job sites within Palm Beach County. The material, entirely free of non-organics, consists primarily of palm tree fronds and tree branches, as well as grass clippings. A separate fee for removal and disposal of the material from job sites is not charged to customers.

The “vegetative waste storage area” as shown on the Site Plan is 100 feet by 100 feet with a maximum height of 10 feet, and is setback a minimum of 50 feet from the property line. The storage area complies with all Palm Beach County fire prevention requirements. Specifically, a minimum of 20 feet clearance is provided for emergency and fire vehicular access. Further, there is an approved water supply capable of delivering 1,000 gallons per minute within 1,000 feet of the storage area (i.e., the existing fire hydrant on Okeechobee Boulevard).

Within the size limitations described above, the unprocessed material remains on the Property for approximately 90 days. During this time, the natural composting of the finer material is significant. After 90 days, a grinder is brought on the Property and used to chip the larger tree branches. To minimize dust and avoid any impact to surrounding property, a vertical grinder is used. Moreover, the grinding is limited to 4 times a year. On those particular days, the grinder will be operated during the hours of 9:00 a.m. to 5:00 p.m., and will not be operated on weekends.

Once the material is composted and/or chipped, it is deposited on the Property. Due to the size of the Property, on-site use of the material is feasible.

C. Fuel Tank/Pump:

The Property contains a fuel tank/fuel pump located in the center of the Property, which provides fuel to the landscape service vehicles. The fuel tank/pump is setback greater than 20 feet from the boundary of the Property, and is screened from view.

Mr. Mark Kutney
May 20, 2013
Page 3

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

SHUTTS & BOWEN LLP



David J. Coviello

Enclosures

cc: Jim Fleishmann, Town Planner
Magic Properties V, LLC

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ATTACHMENT C
VALLEY CREST SITE PLAN: HISTORY AND APPROVAL PROCESS

I. INTRODUCTION

On November 20, 2007 (Ordinance 2007-07) the Town Council enacted a moratorium to November 30, 2008 on the processing and review of applications, including site plan approval, for new projects. The purpose of the moratorium was to allow the Town adequate time to adopt its initial comprehensive plan and unified land development code. Due to a series of delays related to the adoption of the comprehensive plan, several extensions to the moratorium were enacted by the Town (i.e. Ordinances 2008-08, 2009-02, 2010-01 and 2010-04). The net effect upon site plan applications was to extend the moratorium to January 1, 2011.

On March 19, 2008, a citizen Code Enforcement Complaint was filed with the Town regarding a potential violation of the Palm Beach County Unified Land Development Code (ULDC) concerning the operation of a landscape maintenance business (i.e. Valley Crest) on a parcel not properly zoned for such an activity. As the Town had been incorporated but not yet adopted its own regulations, the Palm Beach County ULDC was the effective land development code at that time.

A Notice of Violation (Code Enforcement No. 08-67) was issued to the owner (Magic Properties V LLC) of the subject property, located at 13710 Okeechobee Boulevard, on August 7, 2008. At the time of the Notice of Violation, the property was located in the County's Rural Service Area (RSA), and assigned an RR-5 (Rural Residential 5) future land use and an AR (Agricultural Residential) zoning designation.

The Notice of Violation stated that the Valley Crest operation was in violation of the Loxahatchee Groves (Palm Beach County) ULDC Article 4, Chapter A Section 3A Table 4.A.3-1 and Chapter B Section 1A.77, which are summarized as follows:

- Article 4, Chapter A Section 3A Table 4.A.3-1 is the Use Matrix which identifies uses that are allowed in each zoning district.

Allowed uses in Table 4.A.3-1 are classified as one of the following: P (Permitted by Right); D (Permitted subject to approval by the Development Review Officer); S (Permitted by Special Permit); A (Class A Conditional Use – Approved by the Board of County Commissioners); and B (Class B Conditional Use – Approved by the Zoning Commission).

Per Table 4.A.3-1, a landscape service may be permitted (principal or accessory use) by Class A Conditional Use approval of the Board of County Commissioners in the Rural Service Area within the AR zoning district. (*NOTE: Such approval had not been granted by the County at the time of the Notice of Violation*).

- Article 4, Chapter B of the ULDC contains supplementary standards for specific uses. Section 1A.77. *Landscape Service* contains the basic standards governing the approval of landscape service businesses. Principal standards include:
 1. Landscape service definition: An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.
 2. A landscape service as a principal use shall be located on a collector or arterial street. The minimum lot size shall be three acres.
 3. A landscape service may be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

The entirety of Section 1A.77 is contained in Exhibit C-1.

In response to the Notice of Violation, the property owner filed a zoning confirmation request asking the County to confirm that wholesale nursery is permitted on the property and that a landscape service can also be allowed as an accessory use.

In a written response to the request, the Palm Beach County Zoning Division, on October 15, 2008, stated that a wholesale nursery in the AR District is permitted on ten acres or less, subject to receiving Concurrency approval. Further, a landscape service may be allowed as an accessory use to either a retail or wholesale nursery on a minimum of three acres.

It was also stated in the County's response that, pursuant to Article 5, Chapter B Section 1.A.1.c(1) *Accessory Uses and Structures – Floor Area – Non-Residential District*, any accessory uses and structures shall not exceed 30 percent of the gross floor area (GFA) and/or business receipts of the principal use, or uses whichever is more restrictive. (*NOTE: As Article 5, Chapter B Section 1.A.1.c(1) pertains to accessory uses in a non-residential district, and the subject property is located in a residential district – AR – it is staff's opinion that this requirement does not apply to the Valley Crest property*).

On September 10, 2008, the Town of Loxahatchee Groves Code Enforcement Special Magistrate, in an Order Finding Violation, directed the property owner to comply, by December 10, 2008, with Sections of the ULDC cited in the Notice of Violation (i.e. Article 4, Chapter A Section 3A Table 4.A.3-1 and Chapter B Section 1A.77). Due to moratorium Ordinance 2007-07, an application could not be filed at that time.

On May 19, 2009, the Town enacted Resolution 2009-010 which abated enforcement actions in Loxahatchee Groves with respect to Article 4, Chapter A Section 3, with respect to uses that do not comply with the use matrix, and Chapter B, with respect to supplementary use standards, of the ULDC until such time that the Council adopts its Comprehensive Plan and Uniform Land Development Code, or a resolution providing for the conclusion of the abatement period. The Town's Land Development Code was adopted in November of 2010 and the Comprehensive Plan became effective in August of 2011.

On January 11, 2012, the Loxahatchee Groves Code Enforcement Special Magistrate placed the case on hold for 120 days to provide the owner time to obtain necessary site plan and zoning approvals, to include a wholesale nursery as the primary use of the property. The status of the case was reported to the Special Magistrate at the May 2012 hearing and placed on hold for an additional 120 days.

On March 5, 2013, the Loxahatchee Groves Town Council passed Resolution 2013-02 (Refer to Attachment A) approving the Valley Crest Site Plan. Resolution 2013-02 included several conditions of approval, including General Condition 5, which required the Applicant, within 6 months, to file a site plan amendment application requesting that the Wholesale Nursery Principal Use and the Landscape Nursery Accessory Use be deleted and replaced by a Landscape Service Principal Use.

The proposed Site Plan Amendment for a landscape service use represents the Applicant's response to Condition 5 of Resolution 2013-02 approving the current Site Plan. Approval of the proposed Site Plan Amendment will allow the property to become compliant with Special Magistrate's Order as well as Condition 5 of Town Resolution 2013-02.

II. COURSE OF ACTION

In response to Condition 5 of Resolution 2013-02, the Applicant has submitted a Site Plan Amendment Application to the Town for a "Landscape Service" principal use.

A. Zoning District

A zoning review indicates that the subject property was assigned an AR (Agricultural Residential) zoning designation under the County ULDC on the date of the Notice of Violation and is currently assigned an AR zoning designation under the Town's ULDC. As such, the zoning designation of the property is not an issue.

B. Use Limitations

1. Palm Beach County ULDC

The proposed Site Plan Amendment submitted on May 10, 2013 includes a single principal use; "Landscape Service".

Per Article 4, Chapter A Section 3A Table 4.A.3-1, landscape service is an allowed Conditional Use A in the Rural Service Area in the Agricultural Residential District subject to approval by the Board of County Commissioners.

Landscape Service is defined in Article 4, Chapter B Section 1A.77 of the ULDC as an establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation. Principal Landscape Service uses must be located on a collector or arterial street on a parcel of land 3 acres or more in size. Principal use is defined as the primary and major purpose for which land or building is used as allowed by the applicable zoning district.

Additional requirements include: (1) The use is subject to Article 7F. Perimeter Buffer Landscape Requirements; and (2) Outdoor storage of debris is prohibited.

2. Loxahatchee Groves ULDC

The proposed Site Plan Amendment consists of a 5 acre "Landscape Service" use. Section 20-020 of the ULDC expressly prohibits Landscape Maintenance Operations in the AR District. The Town's ULDC does not contain a definition of Landscape Service Operation.

3. Conclusion

The Palm Beach County ULDC, in effect at the time of the Valley Crest code violation and Magistrate's Order, permits Landscape Service as a principal use in the AR Zoning District. The Town's current ULDC, adopted subsequent to the Magistrate's Order, expressly prohibits landscape maintenance businesses in the AR district, although the use is not defined.

Approval of the proposed Site Plan Amendment for Landscape Service as a principal use will allow the property to become compliant with Special Magistrate's Order as well as Condition 5 of Town Resolution 2013-02.

Although consisting of a use (landscape service) currently prohibited by the Loxahatchee Groves ULDC, the proposed Site Plan Amendment can be processed by the Town, due to its consistency with the Special Magistrate's Order and Town Resolution 2013-02.

C. Development Standards

As the Notice of Violation and Magistrate's Order both cite violations of sections of the Palm Beach County ULDC, basic development standards therein are relied upon to determine code compliance of the proposed Site Plan Amendment. However, where process flexibility permits, Town standards are used to prepare conditions of approval in order to maximize consistency with the Loxahatchee Groves ULDC.

A comparison of the basic Agricultural Residential (AR) district land development regulations of Palm Beach County to those of Loxahatchee Groves, as they pertain to the proposed Site Plan Amendment, is presented in Table 1.

From Table 1, it is concluded that a site plan that complies with the Palm Beach County regulations will generally meet the requirements of the current Loxahatchee Groves ULDC. The only differences in the two codes are rear setback and minimum pervious area regulations. County regulations require a 100 foot rear setback for the principal use, but allow a 25 foot setback for accessory structures, while Town regulations require 50 feet for all structures. In addition, the County has no minimum pervious area requirement, while the Town requires 70% of the lot area to be pervious.

Palm Beach County AR District regulations are used as the basis to review the proposed Site Plan Amendment since they were in effect at the time of the Notice of Violation. Further, due to the similarities in the regulations, issues related to inconsistencies are minimal.

In addition to the basic standards listed in Table 1, both Palm Beach County and Loxahatchee Groves have additional supplemental standards that pertain to the proposed uses. These standards can be used to review the proposed Site Plan Amendment and incorporate conditions of approval.

1. Supplemental Palm Beach County Standards

Article 4, Chapter A Section 3A Table 4.A.3-1 (Use Matrix) and Chapter B Sections 1A.77 and 1A.89 of the ULDC contain basic standards governing the

landscape service uses in the Rural Service Area in the AR Zoning District. ULDC Sections 1A.77 and 1A.89 are contained in Exhibit C-1.

Table 1 – Agricultural Residential (AR) District Regulations

Regulation	Palm Beach County	Loxahatchee Groves
Minimum lot size	5 acres	5 acres
Minimum frontage/width	300 feet	200 feet
Minimum depth	300 feet	NA
Maximum Floor-Area-Ratio	0.15	0.15
Maximum building coverage	15%	15%
Front setback	100 feet	100 feet
Side setback	50 feet	50 feet
Rear setback	100 feet*	50 feet
Minimum pervious area	NA	70%
Maximum building height	35 feet	35 feet

* - Per Article 5 Section 2.B.1.A.2 accessory structures may be setback 25 feet from the side and rear property lines on lots with conforming width (300 feet) and depth (300 feet) lot dimensions.

Source: Palm Beach County and Loxahatchee Groves ULDCs; LRM, Inc.

2. Supplemental Loxahatchee Groves Standards

The Loxahatchee Groves ULDC does not contain any additional specific standards for landscape service uses. However, there are supplemental standards in Section 20-010 of the ULDC governing the approval of all land uses in the AR Zoning District. Section 20-010 standards pertinent to the proposed Site Plan Amendment are contained in Exhibit C-2.

D. Approval Process

The current site plan was approved (Resolution 2013-02) by Loxahatchee Groves following procedures enumerated in the Town's ULDC. Consistent with that procedure, the proposed Site Plan Amendment should be subject to approval by resolution of the Town Council.

EXHIBIT C-1
Palm Beach County Supplemental Use Standards

Article 4 Chapter B Section 77. Landscape Service

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

a. AR District

A landscape service as a principal use shall be located on a collector or arterial street. The minimum lot size shall be three acres.

b. AGR District (*Not Applicable*)

c. Landscape Buffer

Any incompatibility buffer as required by Article 7.F. Perimeter Buffer Landscape Requirements may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agricultural use.

d. Storage

Outdoor storage of debris shall be prohibited.

e. Accessory Use

May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

Article 5 Chapter B Section 1.A Accessory And Temporary Uses
Supplementary Regulations (*Note: Sections deemed not applicable are excluded from the text*).

2. Fences, Walls and Hedges – *Not Applicable*.

3. Outdoor Storage

Outdoor storage of merchandise, inventory, equipment, refuse, or similar material in all nonresidential districts shall be subject to the following standards.

a. General

Outdoor storage may only be allowed when incidental to the use located on the premises.

b. Location

Outdoor storage areas shall not be located in any of the required setbacks.

7. Fuel, Gas, or Chemical Storage Tanks

Above ground accessory fuel, gas, or chemical storage tanks, shall be setback a minimum of 20 feet and shall be completely screened from view by a continuous solid opaque hedge a minimum of four feet in height around the perimeter of the tank enclosure.

8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided per each nonresidential project. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

b. Location

Containers shall be located to minimize turning and back up movements by pick-up and removal vehicles.

c. Setback

Containers shall be setback a minimum of 25 feet from adjacent residential districts and uses.

d. Screening

Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch high shrub planted 24 inches on center.

EXHIBIT C-2
Loxahatchee Groves AR District Supplemental Use Standards

(Note: Sections deemed not applicable are excluded from the text).

Section 20-010 – General provisions.

The following requirements shall apply to the Agricultural Residential (AR) Zoning District.

(E) Fences, walls, hedges, gates and entry features. Fences, hedges, gates and entry features are permitted on all properties with a zoning designation of Rural Residential or Agricultural Residential. Walls are not permitted on a property line that abuts a road unless a Special Exception is granted by the Town.

(1) Height. Fences and walls shall not exceed six feet in height in front yards and eight feet in height in side or rear yards. Hedges and natural vegetation shall not be subject to maximum height limitations. Height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall.

(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance. Dark or fluorescent colors are prohibited.

(3) Materials. Fences and walls shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal, except as permitted below:

a. Barbed wire. Barbed wire shall be permitted for use as fencing material on all plots.

b. Low voltage electric wire. Low voltage electric wire, otherwise known as hot wire, shall be permitted for use as fencing material on all plots.

(4) Sight distance. Fences, walls and hedges shall comply with Article 105, "Sight Distance."

(5) Decorative gates, features, and light posts. Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.

(G) Outdoor storage. Outdoor storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials shall be subject to the following standards.

(1) Generally. All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in Section 20-015, "Permitted uses."

(2) Location. Outdoor storage of merchandise and inventory, vehicles and equipment, refuse or similar materials shall not be located in any required setbacks, easements, or rights-of-way, except as permitted below:

(3) Screening. All outdoor storage shall not be visible from roadways or neighboring properties except as permitted below:

e. Commercial and recreational vehicles – A maximum of two commercial vehicles may be stored on a plot of land without screening, provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property..

ATTACHMENT D - VALLEY CREST SITE PLAN AMENDMENT REVIEW

A. Land Use and Zoning Designation

1. PCN: 41-41-43-17-01-510-0030
2. Previous Approval: Wholesale Nursery6 Principal Use and Landscape Service Accessory Use (Town Resolution 2013-02)
3. Current Use: Lawn Maintenance Business
4. Proposed Use: Principal Use – Landscape Service Use
5. Future Land Use (FLU) Designation: RR-5 Zoning District: AR
6. Consistency of Proposed Use: FLU - Yes ; Zoning - Yes

B. Zoning Provisions: AR Zoning District

Criterion	Requirement	Proposed	Consistent with Code
Minimum plot size	5 acres	5 acres	Yes
Frontage	300 feet	488 foot frontage on Okeechobee Blvd.	Yes: See "Access" criterion below
Minimum dimension	300 feet x 300 feet	488 feet x 445 feet	Yes
Maximum plot size	None	5 acres	Yes
Plot coverage	Combined area of buildings and roofed structures shall not exceed 15% of the plot area	3.1%	Yes
Floor-area-ratio	Maximum 0.15	0.031	Yes
Front setback	100 feet	116 feet	Yes
Side setback	50 feet	50 feet	Yes
Rear setback	100/25 feet*	47.2 feet	Yes
Side street setback	NA	NA	Yes
Building height*	35 feet	One story	Yes
General Provisions**	NA	NA	Yes
Non-Conforming Use	NA	NA	NA

* Per Article 5 Section 2.B.1.A.2. accessory structures may be setback 25 feet from the side and rear property lines on lots conforming with width and depth lot dimensions.

C. Parking and Loading Requirements

Criterion	Requirement	Proposed	Consistent with Code
Minimum parking requirement	Landscape Service – 1 per 500 sq. ft. = 4 spaces; Outdoor storage area – 1 per 2,500 sq. ft. area = 18 spaces	22	Yes
Parking area design	Refer to Section 95-100 of the ULDC/Parking area setback 10 feet	20 feet from Okeechobee Blvd.	Yes
Size of parking spaces	Standard – 18.5' x 9'	18.5' x 9.5'	Yes
Minimum loading space(s)	1 per 10,000 sq. ft. gfa+ 1/ each additional 15,000 sq. ft. gfa	One	Yes
Size of loading space	15 feet wide x 55 feet long with a 15 foot vertical clearance	15 feet x 55 feet, uncovered	Yes
Location of loading space	Adjacent to Building it serves	Adjacent to Vegetative Waste Storage Area	Yes
Drive Aisles	26 feet wide	Minimum 26 feet	Yes
Dumpster	Section 25-010 of ULDC	Provided and Screened	Yes

* Requirement in addition to vehicles operated or used in the business

D. Access Requirements

Criterion	Requirement	Proposed	Consistent with Code
Access	Legal access from a public street required	Okeechobee Blvd.	Yes
Number of driveways	Max. 2 with frontage on one street	Two	Yes
Driveway requirements	18 – 44 feet min/max width	53 feet	Yes
Separation	On collector and arterial roads, driveway entrances at least 100' apart	240 feet	Yes
Sight distance triangle Section 105-005	Driveway and street: 10' from intersection (driveway and street)	10 feet on Okeechobee Blvd.	Yes
Sight distance triangle Section 105-005	Two streets - 25' from the intersection (both streets)	NA	Yes

E. Landscaping

Criterion	Requirement	Proposed	Consistent with Code
Landscape plan	Landscape plan required unless waived	Waiver	Yes

F. Signage

Criterion	Requirement	Proposed	Consistent with Code
Number of signs	Mandatory Building Wall Sign	None	Yes/Waiver

G. Miscellaneous Provisions

Criterion	Requirement	Proposed	Consistent with Code
Screening	Commercial vehicles shall not be visible from roadways or neighboring properties	Existing perimeter landscaping + proposed buffer & Landscape berm	



 Jim Fleischmann, Town Planning Consultant

**ATTACHMENT E
CONDITIONS OF APPROVAL**

GENERAL

1. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit C (Valley Crest Site Plan and Statement of Use) of Resolution 2013-xx. The approved Site Plan is dated March 18, 2013. The approved Statement of Use is dated May 20, 2013. All modifications to the approved Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.
2. The landscape service use is approved as a principal use.
3. None of the following activities shall take place on the site without first obtaining necessary approvals by or permits from the Town of Loxahatchee Groves: new construction of a structure or additions or improvements to an existing structure; paving or drainage improvements; existing vegetation removal; provision of central water and sewer facilities; erection of signs or outdoor lighting.
4. Existing accessory structures may be set back a distance of 25 feet from the rear property lines; however, any additional future principal or accessory buildings shall observe a 50 foot setback.

ARCHITECTURAL REVIEW

1. Not applicable.

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

A) No Building Permits for the site may be issued after December 31, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code.

2. Corridor Conveyance of Road Right of Way: Not Applicable
3. The Property owner shall construct the following: Not Applicable

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities must comply with the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (Ordinance 2010-008).
2. Existing native vegetative along all property lines shall be maintained.
3. Prior to the issuance of any future building permit, the property owner shall submit a Landscape Plan application to the Town of Loxahatchee Groves for review and approval.
4. Landscape buffers shall be maintained as follows:
 - a. A 20 foot right-of-way buffer along the Okeechobee Boulevard frontage;
 - b. 15 foot incompatibility buffers along the western and southern property lines;
and
 - c. A 5 foot compatibility buffer along the eastern property line.
5. The Vegetative Waste Storage Area shall be screened from view from Okeechobee Boulevard by a landscaped berm.

EXTERIOR LIGHTING

1. Not Applicable.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved Site Plan.

SIGNS

1. Not Applicable.

USE LIMITATIONS

1. Vegetative Waste Storage and Processing is permitted subject to the following:

a. Unprocessed vegetative waste shall be generated solely by the landscape service use.

b. Vegetative waste operations shall consist solely of importing, temporary storage, decomposing, vertical grinding and on-site use or licensed off-site disposal of recycled materials.

c. Fees shall not be charged to import unprocessed vegetative waste materials to the on-site Vegetative Waste Storage Area.

d. Outdoor storage of unprocessed vegetative waste material shall be limited to 90 days and the pile height of storage material shall be limited to a maximum of 10 feet. A minimum 20 feet of clearance shall be provided for emergency and fire vehicular access.

d. Outdoor storage of unprocessed vegetative waste shall be limited to the 100 foot x 100 foot Vegetative Waste Storage Area, as depicted on the approved Site Plan, which shall be set back a minimum of 50 feet from any property line and screened from view from Okeechobee Boulevard.

f. Chipping and mulching of vegetative waste shall only be performed by a "vertical grinder" on an "as-needed" basis, not to exceed a maximum of 4 times per year, during the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. The vertical grinder shall not be permanently located on-site; rather it shall be imported to the site when needed from an off-site location.

2. Outdoor storage of debris, defined as an accumulation of material to be discarded, as opposed to vegetative waste processed for reuse, is prohibited.

3. Temporary outdoor storage of other non-debris items shall only be allowed when incidental to the permitted principal use of the property.

4. Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000, including load, is prohibited from 7:00 p.m. to 6:00 a.m. daily.

5. The use of barbed wire is prohibited.

UTILITIES AND SERVICES

1. Above ground accessory fuel, gas or chemical storage tanks shall be setback a minimum of 20 feet from any property line and shall be screened from view from Okeechobee Boulevard by landscaping around the perimeter of the tank enclosure.
2. A minimum of one refuse container and one recycling container shall be provided. The refuse container shall be stored in a storage area and have a minimum dimension of 10 feet by 10 feet. Containers need not be screened provided that they are maintained in the current location, as illustrated on the approved Site Plan. Containers shall be screened from view by a solid opaque enclosure if they are moved from the current location. The open end of the enclosure shall have an opaque gate which provides a minimum of 10 feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch high shrub planted 24 inches on center.

PUBLIC SAFETY

1. A Knox Box shall be continuously maintained at the main entry gate for use in case of emergency.

COMPLIANCE

1. In granting this approval, the Town of Loxahatchee Groves relied upon the oral and written representations, including the Revised Statement of Use dated May 20, 2013 drafted by applicant's agent Shutts Bowen LLP, of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Town Manager for review under the compliance condition of this approval.
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. Issuance of a stop work order and/or a cease and desist order; denial or revocation of a building permit or Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

- b. The revocation of the site plan approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to Code Enforcement Special Master.