

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



TENTATIVE -
SUBJECT TO
REVISION

Town of Loxahatchee Groves
Planning & Zoning Board/LPA Meeting
Thursday, August 14, 2014 at 7:00 p.m.

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 Janet K. Whipple
Town Planning Consultant Jim Fleischmann

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 15, 2014 - Joint Meeting with the Roadway, Equestrian Trails and Greenway Advisory Committee**

3. **OLD BUSINESS** - *None*

4. **NEW BUSINESS**

- Reschedule Planning and Zoning Meeting date for September. (Meeting is in conflict with Town Council Regular/Budget Meeting).

5. **LOCAL PLANNING AGENCY**

a. **OLD BUSINESS**

- Consideration for Simon Trust Property Rezoning Application: Agricultural Residential (AR) to Commercial Low Planned Unit Development (CL/PUD) proposed rezoning on 21.73 acres located at the northwest corner of Southern Boulevard and B Road. (*Name: Loxahatchee Groves Commons Planned Unit Development*)

b. **NEW BUSINESS** - *None*

6. **COMMENTS FROM THE BOARD**

7. **ADJOURNMENT**

The next Planning and Zoning Board Meeting is tentatively scheduled for _____

2014, 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.

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Thursday, May 15, 2014, at 7:00 p.m.

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Town Clerk Janet K. Whipple
Town Planner Jim Fleishmann

RETGAC BOARD

Chair Keith Harris
Vice-Chair Jo Siciliano
Board Member Nina Corning
Board Member Kathy Strehlow
Council Liaison Tom Goltzené

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.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Chair Lipp called the Planning and Zoning Board Meeting to order at 7:05 p.m.

Those present from the Planning and Zoning (P&Z) Board were Chair Dennis Lipp, Vice-Chair Robin Crawford, Board Members Lawrence Corning, and Keith Harris. Board Members Grace Joyce, Veronica Close, and Byrnes Guillaume were not present at this time. Those present for the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC) were Vice-Chair Jo Siciliano, Board Members Kathy Strehlow and Nina Corning. *(Clerk note: RETGAC Chair Keith Harris will represent the Planning and Zoning Board during the regular meeting, will change rolls, and stand as Chair of the RETGAC during the Joint Meeting.)* Also present were RETGAC Council Liaison Tom Goltzené, Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple.

- b. Approval of Agenda

Motion: Vice-Chair Crawford made a motion to approve the Agenda, as presented. Board Member Harris seconded the motion. Upon vote, the motion passed 4/0.

- c. Appointment of Chair

Motion: Board Member Harris made a motion to re-appoint Dennis Lipp as the Chair for the Planning and Zoning Board. Board Member Corning seconded the motion. Upon vote, the motion passed 4/0.

- d. Appointment of Vice-Chair

Motion: Board Member Harris made a motion to re-appoint Robin Crawford as Vice-Chair. Board Member Corning seconded the motion. Upon vote, the motion passed 4/0.

2. MINUTES

- a. Planning and Zoning Board Minutes for Approval - April 10, 2014

Motion: Vice-Chair Crawford made a motion to approve the April 10, 2014, minutes, as presented. Board Member Harris seconded the motion. Upon vote, the motion passed 4/0.

3. OLD BUSINESS - *None*

4. **NEW BUSINESS – None**

5. **LOCAL PLANNING AGENCY**

Old Business

a. **ORDINANCE NO. 2014-05 (Guns, Firearms, Gun Range Regulations)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO ELIMINATE REGULATIONS RELATING TO GUNS, FIREARMS AND GUN RANGES TO ADDRESS STATE PREEMPTIONS OF THE REGULATION OF THESE SUBJECTS; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE'S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Kutney provided background on Ordinance No. 2014-05.

Town Planning Consultant Fleischmann explained what happened at the last P&Z Meeting, and why the ordinance was tabled. Summarizing thoughts from a memo from Town Attorney Cirullo, Mr. Fleischmann stated at the last P&Z Meeting there was concern about the two State Statutes that were referenced for justification did not really do that, and that is why the ordinance was tabled. Town Attorney reviewed the ordinance once again and he came to the conclusion that gun and shooting ranges could not be rated any differently than other commercial business. There are severe penalties in the Florida Statutes if local officials do treat gun ranges differently than other commercial businesses. The state legislature has essentially preempted regulating gun/shooting ranges away from local governments and have taken that responsibility on themselves ranges The Town Attorney feels that with previous regulations, the Attorney General's Opinion and other court actions in Broward and Palm Beach County justify the proposed changes. Based on this information no changes had been made to Ordinance No 2014-05 when it was presented to the Planning and Zoning Board in April. Mr. Fleischmann recommended that the Board come back with a stronger recommendation, including the Town Attorney's recommendation that the ordinance is justified for approval. Staff was directed by Council to make these changes.

Chair Lipp requested the record show that Alternate Board Member Byrnes Guillaume arrived at 7:10 p.m. (*Clerk Note: Alternate Board Member Guillaume will act as a Regular Voting P&Z Board Member.*)

Mr. Fleischmann, in response to questions from Chair Lipp, stated that gun/shooting ranges had been removed and archery ranges will stay. There is nothing in the Town's Code that will allow a commercial shooting range within the AR (Agriculture Residential) District. For private shooting ranges, Mr. Fleischmann asked the Town Attorney who would have to check the State

Statutes for that particular case. Basically with this ordinance the Town is cleaning up the CL (Commercial Low) District.

Vice-Chair Crawford asked about discharging firearms in the AR District, and the response was that this ordinance does not affect that particular matter.

Board Member Corning asked since the Town is passing the authority to the State, would this have any effect on the gun sales issue that had come before the Town Boards.

Jim Fleischmann responded, stating the biggest issue with the gun sales was walk in customers are not allowed in the Town Code.

The Planning and Zoning Board discussed with Councilman Goltzené, Town Manager Kutney and Town Planning Consultant Fleischmann various aspects of the Town Code, and the intentions

Councilman Goltzené explained, at this point, an individual would have to ask permission to put a gun range in the commercial area, as it is not listed in the code, and the Town does not have the right to say it cannot be done. It would be assumed in the residential district that the gun ranges would not be allowed. Council wanted everyone to be able to have a gun range without Council being to one who has to regulate the gun ranges. If the end result tonight is if it is not permitted in a commercial area which is what he is looking at then the board is doing the wrong thing.

Town Attorney Cirullo had told Mr. Fleischmann that gun ranges was a retail business which is permitted in the CL District.

Councilman Goltzené stated that the unwritten comment from the Town Attorney will cause more confusion, and as the ordinance stands now he cannot vote for it. The wordage should be written that gun ranges are permitted per Florida Statutes, leave the references in as permitted uses.

Jim Fleischmann stated the initial task for this ordinance was to strike everything relating to shooting and gun ranges that created a problem with the wordage that if the use is not listed it is not allowed.

Chair Lipp felt the way the ordinance was written was just fine; just put in the caveat to follow Florida Statutes 790.33 and 790.33.

Jim Fleischmann referenced page seventeen (17) of the agenda packet and noted there were specific conditions that archery and gun ranges have to meet so we may need to strike those and the parking requirements and leave as permitted use in the CL District and reference state law 80-040. Just strike what has been stricken thru.

Strike the ~~indoor~~ on page 3 of 6; leave it shooting range/archery range.

Motion: Board Member Guillaume moved to approve Ordinance No 2014-05 by modifying as directed amending the section on page three (3) of six (6) (15 of 126 of the Agenda Packet) where *shooting range indoor* is stricken it is now going to read shooting range with *indoor* stricken; the read will be shooting range, archery range. Vice-Mayor Crawford seconded the motion. Upon vote the motion passed 5/0.

New Business - None

6. **COMMENTS FROM THE BOARD**

7. **ADJOURNMENT OF PLANNING AND ZONING MEETING**

There being no further business to come before the Planning and Zoning Board, Chair Lipp adjourned the meeting at 7:32 p.m.

CONVENE JOINT MEETING:

Planning and Zoning Chair Lipp called the Joint Meeting with the Roadway, Equestrian Trails and Greenway Advisory Board to order at 7:33 p.m.

Attendance was taken for a second time for each Board. The only deviation from the first roll call was the addition of Planning and Zoning Board Member Guillaume who had arrived once the meeting convened; and Planning and Zoning Board Member Keith Harris left the P&Z Board assumed his position as Chair for the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC).

1. Joint Workshop to discuss road issues particularly Okeechobee Boulevard and the use of roundabouts.

Town Manager Kutney explained why he felt the Joint Meeting should be convened to discuss the possibility of roundabouts on Okeechobee Boulevard.

Vice-Chair Jo Siciliano had brought up the roundabouts during the last RETGAC meeting and felt it was a better alternative than traffic lights. The roundabouts were a better way to organize traffic, keep it quieter, and possibly request from Palm Beach County that a small portion of Okeechobee Boulevard be dedicated to the Town and build a roundabout.

The Boards discussed the feasibility of the Town taking control, the width of the road and roundabouts, the design of the roundabouts to accommodate farm equipment, equestrians, and pedestrians and still keep the traffic flowing smoothly.

Town Manager Kutney reported the strain traffic signal would cost approximately \$290,000, and the only one approve at this time is at Okeechobee Boulevard and D Road.

Planning and Zoning Chair Lipp suggested Town Manager Kutney speak with Paul Schofield, Village Manager, in Wellington for the feasibility taking control of the roads. He also questioned whether the Town could go to Palm Beach County to see if Gas Tax money could be provided.

Motion: Planning and Zoning Board Member Lawrence Corning made a motion, which was the consensus of both Boards that the joint committees recommend to the Town Council to seek to take over ownership and maintenance of Okeechobee Boulevard with the goal of using roundabouts as a traffic calming and traffic management system in the character of the Town of Loxahatchee Groves. Roadway, Equestrian Trails, and Greenway Advisory Committee Chair Keith Harris seconded the motion.

The Boards discussed the pros and cons of the roundabouts, and the fact Town Council has already approved equestrian crossings, and drainage canal ownership.

Upon roll call vote, the motion passed 8/0. With the Planning and Zoning Board voting 4/0 and the Roadway Equestrian Trails, Advisory Committee voting 4/0.

RETGAC Chair Harris provided a report for alternatives to the OGEM road resurfacing product.

RETGAC Board Member Nina Corning reported that on Monday, May 12, 2014, Governor Scott signed the Trails Bill, and Town has site control to now ask for grants.

ADJOURNMENT OF JOINT MEETING

There being no further business to come before the Planning and Zoning / Roadway, Equestrian Trails, and Greenway Advisory Board, Chair Lipp adjourned the meeting at 8:10 p.m.

Janet K. Whipple, Town Clerk

Dennis Lipp, Chair P & Z



Keith Harris, Chair RETGAC

These minutes were approved during the _____ Planning and Zoning Meeting.
Joint Session of Meeting was approved during the _____ RETGAC Meeting.

TO: LOCAL PLANNING AGENCY (LPA)
FROM: JIM FLEISCHMANN TOWN PLANNING CONSULTANT
RE: SIMON TRUST PROPERTY REZONING APPLICATION: AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD).
DATE: August 5, 2014

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.

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.

II. APPLICATION HISTORY

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 designation.

The following is a summary of the review and approval history of the CL/PUD rezoning application:

A. April 11, 2013 LPA Meeting

The Planning and Zoning Board, sitting as 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 several issues.

B. April 24, 2013 Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee Meeting

The RETAG Advisory 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 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.

C. June 13, 2013 LPA Meeting

Regarding the issues raised by the LPA at its April 11, 2013 meeting, staff confirmed that Palm Beach County has concluded that two east bound left turn lanes at the "B" Road/Southern Boulevard intersection are not required at this time. Further, the applicant provided a revised Conceptual Master Plan which: (1) shifted the fast-food parcel to the east to allow for easier ingress and egress and minimizes conflicts with cars entering the site; (2) relocated the community park to the north of Tangerine Drive; (3) identified areas for larger parking spaces centrally located within the shopping center; and (4) relocated the entrance on Southern Boulevard further to the east.

Based upon the revisions to the Conceptual Master Plan and comments from the RETAG Advisory Committee (see above), the LPA, at its meeting on June, 13, 2013 recommended approval of application REZ 2013-01 by a 3-0 vote subject to the following conditions:

1. In areas where parking spaces are 12' x 20', drive aisles shall be 28' wide.
2. Bars are to be prohibited.
3. The applicant shall consider relocating Buildings "F" and "G" for better traffic flow.
4. A package liquor store shall be granted a separation distance waiver.
5. All conditions of approval as presented in the staff recommendation.

D. September 16, 2014 Town Council Meeting

The Town Council, at its meeting of November 5, 2013 voted to approve REZ 2013 – 01 on first reading (i.e. Ordinance 2013-09) by a 4-0 vote, subject to the conditions as presented (Ref: Attachment A).

E. September 16, 2014 Town Council Meeting

The Town Council is tentatively scheduled to consider second reading of Ordinance 2013-09 at the September 16th meeting.

III. REVISED DEVELOPMENT PROGRAM

The Conceptual Master Plan previously reviewed by the Planning and Zoning Board consisted of a 94,665 sq. ft. retail shopping center (Loxahatchee Groves Commons). The following mix of uses was proposed: 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 (Ref: Attachment B).

The revised Conceptual Master Plan maintains the 94,665 retail shopping center, but consists of the following modified mix of uses: Retail – 69,058 sq. ft.; Agricultural sales (tractor supply) - 19,097 sq. ft; Drive-in Bank – 2,500 sq. ft.; and Fast-food Restaurant with Drive-thru - 4,000 sq. ft (Ref: Attachment C). In addition outdoor storage (16,000 sq. ft.) and display (3,400 sq. ft.) areas are proposed.

Initial Conceptual Master Plan revisions were made in response to LPA and RETGAC recommendations and the recent change in one of the tenants. The initial Conceptual Master Plan contained a pharmacy, while the revised Conceptual Master Plan contains a tractor supply business, including designated outdoor storage and display areas.

IV. CURRENT REQUEST

The Applicant has revised the Conceptual Master Plan (Ref: Attachment C) component of the CL/PUD application to accommodate a tractor supply business, including outdoor display and storage areas. Other businesses such as the proposed grocery store may also desire outdoor display areas. Outdoor display and storage uses in the CL zoning district are regulated by Sections 25-010 (C) "Outdoor Storage" and 25-010 (D) "Outdoor Display" of the Town's Unified Land Development Code (ULDC). Copies of these ULDC Sections are provided in Attachment D.

The request is to apply for a waiver to Section 25-010 (D) (1) of the ULDC which requires merchandise in outdoor display areas must be mobile and stored indoors overnight.

In addition the Applicant has withdrawn the previous request for a waiver from Section 55-010: "*Separation requirements*" of the ULDC for alcoholic beverage establishments. Section 55-010 requires a 750 foot separation between alcoholic beverage establishments and other such establishments, education center, place of worship, or child care center. The waiver is no longer necessary due to the reconfiguration of buildings on the revised Conceptual Master Plan (Ref: Attachment C).

A. Revised Statement of Use: (NOTE: The following is a summary of the Applicant's Revised Statement of Use, which is included in Attachment J2 of the PUD Application). The subject property has been designed to locate a +/-6.50-acre lake tract along the northern boundary, adjacent to the future Palm Beach State College western campus and to cluster the uses along the high traffic area of Southern Boulevard. The applicant has previously made changes to the master plan pursuant to comments received at the LPA and RETAG Advisory Committee meetings. These changes addressed the two principal concerns of parking space sizes and circulation. Further changes have evolved with the current layout which enhance circulation, cross connection with the Palm Beach State College, and access between users on the site.

One of the changes made was to relocate the community park to be adjacent to the lake and project entrance. The location has been modified to improve the circulation for the center, while keeping the park area in a prominent location. In addition, the Applicant is also proposing an equestrian trail around the lake providing an additional amenity for the community.

The Applicant has also been working with anchor tenants to provide safer access from B Road and better vehicular circulation throughout the property. Along with these changes, one of the most important changes was to create better visibility to ensure the project is viable. This was accomplished by pulling the entire development and all buildings closer to Southern Blvd. The proposed revisions are being made to create an improved Conceptual Master Plan for the community and the customers who will be frequenting proposed businesses.

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.

B. Justification of Additional Waiver: (NOTE: The following is a summary of the Applicant's Revised Waivers Requested Statement, which is included in Attachment J5 of the PUD Application). The applicant is requesting a waiver from Section 25-010 (D) (1) of the Outdoor Display area requirements, specifically as it relates to Building C, which will house a tractor supply business.

All of the requirements listed in 25-010 (C) (1 through 3) are met. The proposed Conceptual Master Plan complies with all requirements for Outdoor Storage found in Section 25-010 (C) by providing an outdoor storage area that is fenced, screened and not located in required setbacks, easements or rights-of-way.

All of the outdoor display requirements listed in 25-010 (D) (2 and 3) are met by since the area is accessory to the tractor supply business and not located in required setbacks, easements or rights-of-way. The applicant believes the standard operations of all tenants

will comply with these standards by providing separate areas for display that do not impede overall vehicular and pedestrian circulation.

There is a proposed large display area located on the west side of the fenced storage area that is a requirement of the proposed tractor supply tenant (Building C). The area will be used to display larger equipment while not impeding any of the parking spaces or vehicular circulation. This area is the subject of the waiver request in order to allow merchandise to be displayed 24 hours per day. It is not practical for this tenant's operations, due to the size and nature of the equipment and merchandise that will be displayed outdoors, to be brought inside each night.

A wide sidewalk is proposed in front of Building C to allow any displayed merchandise to be free and clear of pedestrian walkways at all times. Items such as lawn and garden equipment, fencing materials, pet and livestock equipment, 3-point equipment, and miscellaneous/seasonal items are some of the items that the proposed tenant for Building C lists as items that may be stored in the sidewalk display areas in front of the store.

The display of outdoor items could also apply to Building A, the grocery tenant, who at times may have seasonal items such as pumpkins or Christmas trees located outside of their front door or may have propane tanks permanently displayed.

The waiver request is specifically for the Outdoor Display area requirements found in Sub-section 25-010 (D) (1).

In all instances, outdoor display areas are maintained and organized to be esthetically pleasing and it is critical that these areas be allowed to be permanently displayed in the areas shown on the site plan in order for the operation of each business to be run effectively. Thus the applicant respectfully requests a waiver from 25-010(D) (1).

The Applicant has also withdrawn the request for a waiver from Article 55 of the Town's Unified Land Development Code related separation requirements for alcoholic beverage establishments.

V. STAFF RECOMMENDATION

The applicant is requesting a waiver from Section 25-010 (D) (1) of the Outdoor Display area requirements, specifically as it relates to Building C, which will house a tractor supply business. The request is for a waiver to Section 25-010 (D) (1) of the ULDC which requires merchandise in outdoor display areas must be mobile and stored indoors overnight. The waiver will allow merchandise to be displayed permanently in the outdoor display area. The Applicant has also rescinded the request for a waiver from the alcoholic beverage establishment 750' distance separation requirement from an education center. Staff supports both requests, and recommends approval.

ATTACHMENT A
LOXAHATCHEE GROVES COMMONS
Conditions of Approval per First Reading of Ordinance 2013-09

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 October 16, 2013 and the Statement of Use dated October 17, 2013 and included as Attachment J2 of the CL/PUD Rezoning Application REZ 2013-01, or amendments thereto approved by the Town Council. 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 an internal lot which is 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, as indicated on the Conceptual Master Plan dated October 16, 2013, or amendments thereto approved by the Town Council.

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. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 94,655 sq. ft. of commercial low uses consistent with the Master Plan dated October 16, 2013.

2. Bars and night clubs are prohibited.

3. The initial site plan submitted for the development shall include the 6.45 acre Lake Tract Area and 0.50 acre Community Park, including an equestrian trail as shown on the Master Plan dated October 16, 2013.

4. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

5. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

C. ENGINEERING

1. Consistent with Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no Building Permits, for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

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. No Building Permits shall be issued until construction commences for a south approach left turn lane on B Road at the project's first access connection north of the terminus for the traffic separator. 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.

4. No Building Permits shall be issued until construction commences for east approach right turn lanes on Southern Boulevard at each of the project access connections. 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.

5. B Road shall be constructed as a 2-lane paved roadway, including a traffic separator, from Southern Boulevard north to the B Road entrance to Palm Beach State College, according to the terms of the three-party agreement dated November x, 2013 between the property owner, Palm Beach State College and the owner of the Groves Town Center property.

6. Funds in lieu of construction of B Road as a 2-lane OGEM roadway surface between the northern terminus of the 2-lane paved roadway, including Collecting Canal bridge/culvert improvements, to Okeechobee Boulevard, shall be deposited in an escrow account according to the terms of the three-party agreement dated November x, 2013 between the property owner, Palm Beach State College and the owner of the Groves Town Center property. Construction of this section of "B" Road shall be subject to the requirements of the Town of Loxahatchee Groves.

7. Construction of paved road improvements cited in Condition C.5, above, shall be concurrent with the paving and drainage improvements for the site, Palm Beach State College, or Groves Town Center, whichever occurs first. Any and all costs associated with the construction shall be paid according to the terms established in the above referenced agreement with Palm Beach State College and the Owner of the Groves Town Center property. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

8. Construction pursuant to Condition C.6 shall be according to a schedule established by the Town. Any and all costs apportioned to the Project shall be paid to an escrow account established for this purpose according to the terms established in the above referenced agreement with Palm Beach State College and the Owner of the Groves Town Center property. Costs, assuming

construction on the existing unpaved roadway section, shall include roadway design, permitting, construction and inspection.

9. Any future request to modify Condition C.1 must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85.

3. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. 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 land clearing, development or earthmoving activities, a Phase 1 Archaeological Survey of the property shall be completed.

5. Native plants shall be retained to the extent possible.

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trail depicted on the Master Plan shall 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 detailed in Section C:

(a) Equestrian traffic control devices shall be installed at points where trails cross "B" Road and/or Collecting Canal. The type and locations of such devices shall be addressed in the three-party agreement per Condition C.6.

(b) "Local traffic only" signage shall be placed on "B" Road north of the Palm Beach State College entrance.

(c) The feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Crestwood Boulevard or Folsom Road shall be addressed in the three-party agreement per Condition C.5. If feasible, the applicant, along with Palm Beach State College and the owner of the Groves Town Center property shall share any associated costs of placing and constructing the signage.

3. Fencing shall be incorporated on the initial site plan to separate the equestrian trails from commercial buildings and parking areas, as necessary. Also, shade trees shall be incorporated along the trail route.

4. Equestrian trails shall comply with the Town design and sign guidelines.

F. ARCHITECTURAL

Architectural elevations for initial buildings, as well as a theme for the entire Loxahatchee Groves Commons development, shall be submitted with the application for initial site plan approval. Elevations for subsequent buildings shall be reviewed and approved by the Town Manager for consistency with said architectural theme. The Town Manager may refer subsequent building elevations to the Town Council for approval if he determines that an inconsistency with the approved architectural theme is proposed. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases shall be consistent with the architectural elevations included as part of the initial site plan approval.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

1. The following waiver to Section 95-025: "*Size of parking spaces*" of the Unified Land Development Code is granted: A minimum of ninety-one (91) spaces shall be provided at the standard parking space size of eleven feet by twenty-two and one-half feet (11' x 22.5') with twenty-eight foot (28') wide drive aisles. The balance of the spaces shall be provided at a minimum ten feet by twenty feet (10' x 20') with drive aisles twenty-six feet (26') in width.

2. A waiver to Section 55-010: "*Separation requirements*" of the Unified Land Development Code (ULDC) for alcoholic beverage establishments, as defined in Section 10-015 of the ULDC, is granted eliminating the 750 foot separation requirement as it may specifically pertain to the location of a single beer, wine and alcohol package liquor sales store, not to allow on-site consumption, and any future education center buildings located on the adjacent Palm Beach State College property.

ATTACHMENT D
ULDC Sections 25-010 (C) “Outdoor Storage” and 25-010 (D) “Outdoor Display”

Section 25-010 (C) 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 25-015 "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:

a. **Construction vehicles, equipment and fill.** Construction vehicles, equipment, and fill may be temporarily stored in required setbacks, easements, or rights-of-way during the construction of new easements or rights-of-way.

b. **Nursery plants and trees.** Nursery plants and trees for retail sale may be permanently stored in all required setbacks.

(3) **Screening.** All outdoor storage shall be screened from view except as permitted below:

a. **Nursery plants and trees.** Nursery plants and trees do not need to be screened from view.

b. **Construction vehicles, equipment and fill.** Construction vehicles, equipment, and fill do not need to be screened from view provided that the related construction activity is permitted, continuous and on-going.

Section 25-010 (D) Outdoor display. Outdoor display of merchandise and inventory shall be subject to the following standards.

(1) **Mobility and storage.** Merchandise must be mobile and stored indoors overnight.

(2) **Accessory use.** Merchandise must be accessory to the principal use located on site.

(3) **Location.** Merchandise shall not be located in any required setback, parking space, loading space or area, vehicular use area, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or drainage easement.