

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



Town of  
LOXAHATCHEE GROVES

**Town of Loxahatchee Groves**  
**Local Planning Agency (LPA) Public Hearing**  
**and**  
**Planning and Zoning Board (PZB) Meeting**

TENTATIVE -  
SUBJECT TO  
REVISION

**Thursday, May 19, 2016, at 7:00 p.m.**

Town of Loxahatchee Groves  
155 "F" Road, Loxahatchee Groves, FL 33470

Chair Dennis Lipp  
Board Member Veronica Close  
Board Member Grace Joyce  
Board Member Keith Harris  
Board Member William Hyslop  
Alternate Member: Vacant  
Alternate Member: Vacant

Town Manager William F. Underwood, II  
Town Clerk Virginia Walton  
Town Planning Consultant Jim Fleischmann

The Planning & Zoning Board meets on the 2<sup>nd</sup> or 3<sup>rd</sup> Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA).

**1. OPENING**

- a. Call to Order & Roll Call
- b. Election of Officers (Chairman and Vice-Chairman)
- c. Approval of Agenda
- d. Public Comments

**2. CONVENE LOCAL PLANNING AGENCY PORTION OF THE MEETING**

- a. Review of Public Hearing Procedures
- b. Staff Presentation: Okeechobee Boulevard Future Land Use Element Text Amendments
- c. Open Public Hearing

- d. Close Public Hearing
- e. LPA Member Discussion
- f. Consideration of a Motion
- g. Adjournment

**3. CONVENE PLANNING AND ZONING BOARD PORTION OF THE MEETING**

- a. Minutes: March 17, Planning and Zoning Board Meeting
- b. Old Business:
  - 1. Palms West Plaza Site Plan Amendment Application SP(A) 2016-01
- c. New Business:
  - 1. Publix Sign Variance VA 2016-01
  - 2. Tractor Supply Company Sign Variance VA 2016-02
- d. Public Comments
- e. Board Member Comments
- f. Adjournment

*The next Planning and Zoning Board Meeting is to be determined.*

**Comments Cards:** Anyone from the public wishing to address the LPA 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 LPA 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.

## OKEECHOBEE BOULEVARD AMENDMENTS

### May 19, 2016 LPA Public Hearing Order of Business

1. Staff Presentation and Recommendation
2. Open Public Hearing – Speakers must submit a comment card
  - Speakers state name and address for the record
  - Three-minute limitation on individual comments
  - Public Comments or questions of Staff or Board
3. Close Public Hearing
3. Discussion by the LPA Members
4. Consideration of a motion by the LPA

**Town of Loxahatchee Groves, Florida**  
**Local Planning Agency Public Hearing Agenda Item Report**  
**Comprehensive Plan Amendment 16-1**  
**Okeechobee Boulevard Text Amendments**

**PREPARED BY:** | Jim Fleischmann

**May 19, 2016**

**SUBJECT:** Okeechobee Boulevard Future Land Use Element Text Amendment 16-1

**1. BACKGROUND/HISTORY**

**History:** The Town Council enacted Ordinance 2014-08 (February 3, 2015) enacting a moratorium on commercial Future Land Use Map amendments until May 31, 2015. The moratorium was subsequently extended (Ordinance 2015-05) to December 31, 2015 and June 30, 2016 (Ordinance 2015-08) The purpose of the moratorium is to allow the Local Planning Agency to prepare recommendations and the Town Council adequate time to consider and adopt appropriate Comprehensive Plan amendments regarding land uses, intensity, and of future commercial development activity along Okeechobee Boulevard.

**Problem Statement:** The Local Planning Agency should consider amendments to the Comprehensive Plan as recommended by Staff, including comments from the public, regarding future commercial land use and development along Okeechobee Boulevard.

**Problem Solution:** The Local Planning Agency, with input from Staff and the public, should adopt Future Land Use Element Text Amendment 2016-01 revising the Comprehensive Plan to address future commercial development along Okeechobee Boulevard.

**2. CURRENT ACTIVITY**

The Staff has prepared proposed Future Land Use Element amendments for discussion at a public hearing and consideration by the Local Planning Agency (LPA). The LPA recommendation will be forwarded to the Town Council for consideration of First Reading of a related ordinance at the Town Council meeting on June 7<sup>th</sup>. If approved, the amendments will be transmitted to the Florida Department of Economic Opportunity and other review agencies for their comments. Pending agency comments, Second Reading of the ordinance by the Town Council can be expected in August 2016.

**3. ATTACHMENTS**

1. Proposed Future Land Use Element Text Amendment 2016-01

**4. FINANCIAL IMPACT**

Work on this project is funded by Council Work Authorization No. 1215-01

**5. RECOMMENDED ACTION**

1. Consideration of public comments and recommendation to the Town Council to approve, approve with conditions, or deny Amendment 2016-01.

## FUTURE LAND USE ELEMENT TEXT AMENDMENT 2016-01

### 1.16 Objective:

*Insure compatible, commercial low intensity land uses on properties with road frontage on, or direct access to Okeechobee Boulevard.*

#### 1.16.1 Policy

For the purposes of this Objective, floor-area-ratio shall be defined as the total gross floor area of all buildings enclosed by four walls and any portion of a structure under a roof and not necessarily enclosed by four walls divided by the lot or parcel area.

#### 1.16.2 Policy

Commercial uses along Okeechobee Boulevard, as defined in Objective 1.16, shall be limited to Cottage Business-(CB) Accessory Uses and Small Commercial Business (SCB), Uses as follows.

- a) A Cottage Business Accessory Use is defined as a single commercial activity carried on within an existing homesteaded residence (Home Office) or within a structure accessory to an existing homesteaded residence (Residential Enterprise). A Cottage Business shall comply with the land development regulations of the Town's AR – Agricultural Residential zoning district, including Special Exception and Conditional Use approval, and comply with the following performance standards:
  - i) The maximum floor-area-ratio (F.A.R) of all non-residential buildings shall not exceed 0.025.
  - ii) Employees and/or customers may be allowed at a Cottage Business and shall be determined by the Town Council through the special exception approval process. The Town Council shall include such specific considerations as the nature of the business, parking and loading requirements, peak-hour traffic generation, hours of operation, and noise generation during its deliberations
  - iii) Existing legal non-conforming lots as of the time of Town incorporation may contain a Cottage Business.
- b) A Small Commercial Business (SCB) shall consist of a commercial business or businesses. An SCB shall be assigned either Commercial Low (CL) or Commercial Low – Office (CL-O) Future Land Use and zoning designations. and comply with the following performance standards.
  - i) The minimum parcel size shall be *one* acre and comply with the remaining land development regulations of the Town's commercial zoning districts.

ii) The maximum floor-area-ratio (F.A.R) of an SCB shall not exceed 0.05. however, the permitted size of an SCB use shall be no larger than the amount of space which will exceed the “insignificant impact” traffic Performance Standards (TPS) review, or its equivalent by the Town Consulting Engineer.

iii) An SCB use may include a separate residence within the building. Such residence shall be included in an SCB F.A.R. calculation.

#### 1.16.3 Policy

An existing legal non-conforming use shall be allowed to continue; however, a sales tax report or other documentation approved by the Town Manager, may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the ULDC.

#### 1.16.4 Policy

“Historical Legacy” uses, as defined and regulated by Section 75-035 of the Town Unified Land Development Code, shall be allowed to continue however, a sales tax report or other documentation approved by the Town Manager, may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the ULDC.

#### 1.17 Objective:

*The Town shall discourage an accumulation of vacant non-residential land use designations along Okeechobee Boulevard.*

#### 1.17.1 Policy

Implement Future Land Use Amendment requirements and conditions of approval to insure appropriateness and timeliness of a Future Land Use Plan Amendment application.

- a) A statement of use and intent for the proposed use shall be submitted as part of all future land use amendment, rezoning and site plan approval applications.
- b) A Conceptual Master Plan meeting the requirements of Section 41.3.C.2.b of the ULDC, including a TPS review by the County, or its equivalent by the Town consulting engineer, shall be a required component of an SCB Future Land Use Amendment application.
- c) Enact and enforce a “sunset” 12-month review procedure tied to the Conceptual Master Plan for approved SCB Future Land Use Amendments to insure timely project implementation.

- d) The Special Policy provisions of Objective 1.15 may be used to impose appropriate conditions of approval upon an SCB application necessary to address use, intensity, timing, compatibility and other relevant issues as determined by the Town Council.



Town of Loxahatchee Groves  
Planning & Zoning Board  
Thursday, March 17, 2016, at 7:00 p.m.

MEETING MINUTES

Chair Dennis Lipp  
Vice-Chair Robin Crawford  
Board Member Lawrence Corning  
Board Member Grace Joyce  
Board Member Veronica Close  
Alternate Member #1 Karen Piesley  
Alternate Member #2 Joyce Batcheler

Town Manager William F. Underwood, II  
Town Clerk Virginia Walton  
Town Planning Consultant Jim Fleischmann

**AGENDA**

**1. OPENING**

- a. Call to Order & Roll Call

Chair Dennis Lipp called the meeting to order at 7:02 p.m. Present were Vice Chair Robin Crawford and Board Member Veronica Close. Board Member Grace Joyce, Alternate Members Joyce Batchelor and Karen Piesley were absent.

Staff Present: Town Manager Bill Underwood, Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

- b. Approval of Agenda

**Motion:** a motion to approve the agenda was made by Vice Chair Crawford and seconded by Board Member Close. Motion passed 3 – 0.

**2. MINUTES –**

**Motion:** a motion to approve the minutes was made by Vice Chair Crawford and seconded by Board Member Close. Motion passed 5 – 0.

(Public Comment will be permitted on agenda items prior to P&Z vote)

**3. OLD BUSINESS**

- a. Palms West Plaza Site Plan Amendment Application SP(A) 2016-01 (discussion)

Planning Consultant Fleischmann stated the Applicant was working on the changes recommended at the last meeting but was not ready to bring back to the Board. They were working on reducing the new out parcel building for less square footage and also to reconfigure the parking here and other areas on the site. They were working on a possible outdoor amenity area near the existing trees. They were redoing the architectural renderings and elevations and also reviewing the Tangerine Drive easements regarding specification to allow to “D” Road only. The Town Attorney had received comments from DOT concerning parking up front in the DOT right-of-way.

Board Members had concerns about the proposed amenity area by the tress possibly causing a loitering problem at the plaza. Manager Underwood suggested Mr. Yee’s contact information be given to PBSO Lt. Combs so that information on the PBSO Community Policing Unit could be discussed. It was suggested this be added as a condition to site plan approval.

**4. NEW BUSINESS:**

- a. Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02

Planning Consultant Fleischmann introduced Ryan Johnston, representing the Applicant, advised the Board that this was a relatively simple amendment. The project had been approved in 2006, prior to Town incorporation, and had provided 23,220 square feet of medical/dental offices. Construction was completed last year; however it had been a challenge to find professionals to meet this requirement and the bulk of spaces were still empty. The Applicant wished to revise the application and development order to medical and/or professional offices for more changes to lease the spaces. There was a suggestion that if an agreement for connectivity to the hospitable could be reached with Farmer’s Daughter and the John Deere Store, it might help with leasing.

There as concern from the Board about this causing more impact on parking and traffic. Consultant Fleischmann responded that the medical and professional requirements were the same now as in the Loxahatchee Groves Code. Board Members asked what the definition of “professional offices” was in the Loxahatchee Groves Code. Consultant Fleischmann responded that there wasn’t specific used listed, but the Code says “offices: business/professional/medical”. After discussion, it was decided that Consultant Fleischmann would work on a definition for “professional offices” and send to the Board Members and the Applicant.

Consultant Fleischmann added that a re-zoning for this site was being prepared and would be coming back to the Board in the near future.

**5. COMMENTS FROM THE PUBLIC**

Ron Hartwood stated he was very interested in hearing what the public amenity proposed would be since his business was part of this plaza.

**Motion:** a motion to recommend approval, subject to all previous conditions, with the exception of the added definition of “professional offices”, and subject to Staff recommendations in Section 5, #1 and #2, was made by Board Member Close and seconded by Vice Chair Robin Crawford. Motion passed 3 – 0.

**6. COMMENTS FROM THE MEMBERS**

Board Members asked for an update on the Zoning for Sale on Okeechobee and Folsom Road, and the issues of non-profits versus churches on Okeechobee Boulevard, with suggestions of taking out churches and limiting non-profits.

**7. ADJOURNMENT**

Having no further business and hearing no further comments, the meeting was adjourned at 7:39 pm.

*The next Planning and Zoning Board Meeting is to be determined.*

**Town of Loxahatchee Groves, Florida**  
**Planning and Zoning Board Agenda Item Report**  
**Palms West Plaza Site Plan Amendment**

**PREPARED BY** Jim Fleischmann

**SUBJECT:** Palms West Plaza Site Plan Amendment Application SP(A) 2016-01

**1. BACKGROUND/HISTORY:**

**Problem Statement:** The P & Z Board should review the Site Plan Amendment application.

**Problem Solution:** Recommend approval, approval with conditions or denial of the application.

**2. CURRENT ACTIVITY:**

Palms West Plaza was granted a Town-Initiated Rezoning from County Commercial General (CG) to Town Commercial Low (CL) in 2012 (Town Ordinance 2012-11). Prior to incorporation of the Town Palm Beach County approved a site plan consisting of the following uses: (1) Local retail (39,650 sq. ft.); (2) day care center (6,000 sq. ft.); (3) post office (4,575 sq. ft.); and (4) lease parcel (7,400 sq. ft. of undetermined use). A total approved space of 57,625 sq. ft was approved. Two take-out only restaurants (total of 2,500 sq. ft.) and a religious institution (1,000 sq. ft.) are included within the local retail space total and identified on the final certified site plan. The final certified site plan (Ref: Exhibit 1) includes several conditions of approval which the applicant proposes to delete and/or amend.

Existing development consists of the following buildings (Ref: Exhibit 2): (1) the three existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.); and (2) the existing U.S. Post Office building (4,575 sq. ft.).

The applicant has requested approval of SP(A) 2016-01 (Ref: Exhibit 3) for a commercial center which includes: (1) the three existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.); (2) the existing U.S. Post Office building (4,575 sq. ft.); (3) two new commercial buildings (7,940 sq. ft. and 12,200 sq. ft.); and (4) a 5,400 sq. ft. expansion to the existing 8,005 sq. ft. building. A total of 52,675 sq. ft. of building area is proposed; a reduction of 4,950 sq. ft. from the current County approval.

The P & Z Board reviewed an initial Site Plan Amendment submittal at its meeting on January 29, 2016. After a lengthy discussion, during which several issues were raised by P& Z members, the item was postponed to allow the Applicant to address the concerns. Among the major issues that have been addressed are: (1) preservation of the existing cypress, oak and palm trees; (2) project architecture; (3) use and maintenance of Tangerine Drive; and (4) existing Conditions of Approval.

**3. ATTACHMENTS:**

1. Staff Summary: Palms West Plaza Site Plan Amendment Application SP(A) 2016-01
2. Palms West Plaza Comment Response Letter
3. Conditions of Approval Status Report

**4. FINANCIAL IMPACT:**

Work on this project is funded by a Cost Recovery Account funded by the Applicant

**5. POTENTIAL ACTIONS BY THE P & Z BOARD :**

1. Recommend approval of SP(A) 2016-01
2. Recommend approval of SP(A) 2016-01 subject to additional conditions of approval.
3. Recommend denial of SP(A) 2016-01.

**TOWN OF LOXAHATCHEE GROVES  
PLANNING AND ZONING BOARD  
May 19, 2016**

**AGENDA ITEM STAFF SUMMARY:  
SITE PLAN AMENDMENT APPLICATION SP(A) 2016-01**

**1. Site Plan Amendment Application SP (A) 2016-1 Palms West Plaza**

**Project Name:** Palms West Plaza Site Plan Amendment.

**Agent:** Michelle Hoyland, Wantman Group, Inc.

**Applicant:** Yee's Corporation and Rick & Cindy Morrow.

**Owner:** Yee's Corporation (Kan Yee YMR., Registered Agent) and Rick & Cindy Morrow.

**Parcel Control Numbers (PCN):** 41-41-43-17-01-809-0160 (1.0028 acres);  
41-41-43-17-01-809-0190 (1.061 acres); 41-41-43-17-01-809-0210 (5.90 acres).

**Project Location:** Northwest corner of State Road 80 and the "D" Road Canal.

**Size of Property:** 7.9638 acres.

**FLU Map Designation:** Commercial Low (CL)

**Zoning Map Designation:** Commercial Low (CL) per Town Ordinance 2012-11.

**Existing Use:** Shopping center (5.90 acres); US Post Office (1.061 acres); and vacant (1.0028 acres).

**Maximum Development Potential:** 57,625 sq. ft. per Palm Beach County Resolution R-88-1546; 0.166 F.A.R.

**2. Approval History**

The subject site was granted a zoning change and special exception approval by Palm Beach County from AR-Agricultural Residential to CG-General Commercial and Planned Commercial Development on November 27, 1979 (Resolutions R-79-1642).

The subject site received a special exception approval from the Palm Beach County Board of County Commissioners to allow a Planned Commercial Development, including a Daycare Center, Automobile and Farm Equipment Repair Facility and a Car Wash Facility on November 27, 1979 (Resolution R-79-1643) subject to conditions of approval (Ref: Attachment E2).

A second special exception approval was granted by Palm Beach County on September 27, 1988 (Resolution R-88-1546) to redesign the site plan as a large scale community shopping center consisting of 57,625 square feet and subject to conditions of approval (Ref: Attachment E2).

The final certified site plan includes several Zoning Review (i.e. administrative) revisions, the most recent of which occurred on June 10, 2010. Among the principal design and use conditions of approval of Resolutions R-79-1643 and R-88-1546 are the following:

1. Petitioner shall construct the frontage road within the project's property limits and must maintain Tangerine Road perpetually.
2. The rear façade of the shopping center shall be given an architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon the future/nearby residential development.
3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
4. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
5. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
6. No further clearing shall take place on site. The remaining oaks and other native vegetation shall be preserved and incorporated into the project design.
7. No access shall be permitted onto West Tangerine Road or West "D" Road.
8. A minimum of 14,650 sq. ft. of gross leasable area of the proposed plaza shall remain as office use.
9. Repairs of farm implements shall take place entirely within an enclosed building.
10. No off premises signs shall be permitted on the site.
11. No car wash facilities shall be permitted on site.
12. No gasoline sales shall be permitted on site.

The property was granted a Town-initiated rezoning on December 4, 2012, from Palm Beach County CG-General Commercial and Planned Commercial Development to Loxahatchee Groves Commercial Low (Town Ordinance 2012-11). Although the Town's Commercial Low District allows a maximum F.A.R. of 0.10, the previously approved site plan is grandfathered in under Paragraph (5) *Transitional Ordinances and Resolutions* of Section 10 *Transition Schedule* of the Town Charter. Section 10 directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are rescinded by the Town Council.

As a result, the final certified site plan titled “Loxahatchee Country Plaza Phase – 2” and conditions of approval are vested until they are rescinded or amended by the Town Council.

Principal buildings identified on the final certified site plan include:

- Phase 1 – Existing Shopping Center Buildings (Building 1 – 4,400 sq. ft., Building 2 – 10,000 sq. ft., and Building 3 – 8,000 sq. ft.)
- Phase 2 - Proposed Shopping Center Building 4 (17,250 sq. ft.)
- Existing Building - US Post Office (4,575 sq. ft.)
- Proposed Building - Lease Parcel (7,400 sq. ft.)
- Proposed Building – Day Care (6,000 sq. ft.)

In summary, final certified site plan uses include: Local retail (39,650 sq. ft.); day care center (6,000 sq. ft.); post office (4,575 sq. ft.); and lease parcel (7,400 sq. ft. of undetermined use). Total approved space is 57,625 sq. ft. Two take-out only restaurants (total of 2,500 sq. ft.) and a religious institution (1,000 sq. ft.) in Existing Building 3 are included within the local retail space total and identified on the final certified site plan.

### **3. Application Summary**

The Applicant has requested site plan amendment approval of a 52,675 sq. ft. commercial center consisting of 5 retail buildings (a total of 48,100 sq. ft.) and a U.S. Post Office building (4,575 sq. ft.).

The proposed site plan includes 3 existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.) and the existing U.S. Post Office building (4,575 sq. ft.); an existing on-site total of 27,135 sq. ft.

Two new commercial buildings are proposed; 7,940 sq. ft. and 12,200 sq. ft. In addition, a 5,400 sq. ft. expansion to the existing 8,005 sq. ft. building is proposed. A total of 25,540 sq. ft. additional building area is proposed.

The total building square footage including existing and proposed additional space is 52,675 sq. ft. All buildings are one- story in height. Based on the total 7.96 acre site, the total floor area ratio is 0.152.

The certified site plan allows a total of 57, 625 sq. ft. The proposed site plan includes a total of 52,675 sq. ft.; 4,950 sq. ft. less than the existing final certified site plan.

#### 4. Submitted Support Documents

Item	Content
Existing Certified Final Site Plan	Site Plan as of most recent revision date – 6/10/2010. Approval of 57,625 sq. ft.
Justification Statement dated 5/9/2016	Description of the following: Request – 52,675 sq. ft. commercial facility consisting of 48,100sq. ft. of retail buildings and a 4,575 sq. ft. US Post Office; site and surrounding properties; and property history.
Proposed Amended Site Plan dated 5/9/2016	Includes 3 existing commercial buildings (22,560 sq. ft.), existing Post Office (4,575 sq. ft.), and commercial center expansion – 2 additional buildings (20,140 sq. ft.), and an expansion (5,400 sq. ft.) of an existing commercial building. Total space = 52,675 sq. ft.
PBC Resolutions	R-79-1642 and R-79-1643 (Rezoning from County AR-Agricultural Residential to County CG-General Commercial Planned Commercial Development); and R-88-1546 (County Special Exception and Site Plan approvals – 57,625 sq. ft.).
Drainage Statement	Drainage system to consist of exfiltration systems and dry detention areas which will have a legal positive outfall through an existing control structure and outfall to the C-51 Canal. The proposed development was previously permitted per SFWMD Permits 82-72 and 50-01659-S-02. C-51 Basin compensating storage is being met with this project.
Landscape Plan dated 5/5/2016	Existing map and tabular tree inventory (trees to be removed and to be preserved); locations of buffers and landscaped areas; landscape materials by species; location of multi-use trail.
Photometric Plan	Lighting locations and specifications; lumens assessment map.
Architecture	Elevations and floor plans for buildings #1, #2 and #3 are included in Attachment O of SPA 2016-01. Artists renderings of proposed buildings
Traffic Study dated 6/30/2014	Expansion to generate the following net trips: Average daily – 1,124; A.M. Peak – 17; P.M. Peak – 99. P.M. traffic impacts upon several links of Southern Boulevard and Binks Forest Drive are projected. The proposed expansion will meet LOS standards on Southern Boulevard pending improvements included in the Five-Year Transportation Improvement Plan. In order to immediately proceed, Applicant has proposed an impact fee creditable \$141,585 proportionate share contribution towards Southern Boulevard improvements from Lion Country Safari Road to Forest Hill/Crestwood. Study concludes that adopted L.O.S. Standards will be met subject to programmed Southern Boulevard improvements. TPS letter from Palm Beach County provided a buildout date of December 31, 2019.

#### 5. Staff Finding and Recommendation

Staff finds the proposed Site Plan Amendment, dated May 9, 2016, consistent with the Town's Comprehensive Plan, ULDC zoning requirements and Site Plan criteria and recommends

approval of Site Plan Amendment Application SP(A) 2016-01, subject to the Conditions of Approval presented in Attachment E.

**6. Planning and Zoning Board (PZB) Recommendation**

At its May 19, 2016 meeting, PZB voted to recommend approval/denial by a x – y vote.

**7. Staff Report Summary**

**A. Adjacent Land Uses**

<b>Direction</b>	<b>Existing Uses</b>	<b>FLU and Zoning Designations</b>
North	Tangerine Drive (access and drainage easement to LGWCD). Beyond Tangerine Drive are 3 lots (two with a single family residence and one vacant).	Rural Residential 5 FLU and Agricultural Residential AR zoning
South	Southern Boulevard right-of-way, in part and convenience store, in part.	NA – Road right-of-way (in part) and Commercial Low FLU and zoning (in part).
East	“D” Road right-of-way (canal and road), in part, and Loxahatchee Groves Water Control; District Headquarters, in part.	NA – Road right-of-way (in part) and Rural Residential 5 FLU and Agricultural Residential AR zoning (in part)
West	Vacant (in part) and convenience store (in part)	Rural Residential 5 FLU and Agricultural Residential AR zoning (in part) and Commercial Low FLU and zoning (in part).

**B. Infrastructure Impacts**

<b>Infrastructure Service</b>	<b>Summary</b>
Water/wastewater	Letter from Palm Beach County Water Utilities Department (PBCWUD) stating that PBCWUD is the potable water and wastewater provider for the property. PBCWUD is able to maintain the established level of service for the existing 27,135 sq. ft. center and will be able to accommodate an intensity increase to 55,425 sq. ft. of commercial space.
Surface Water Management	Drainage statement provided (Attachment K of the Site Plan Amendment Application). Legal positive outfall via an existing control structure to C-51 Canal. The existing structure to regulate discharge to SFWMD Equalizing Canals per C-51 Basin discharge criteria. Drainage system to be approved by the Town’s Consulting Engineer as part of the land development review process prior to initial building permit.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.

<b>Infrastructure Service (continued)</b>	<b>Summary (continued)</b>
Transportation	Traffic Analysis provided by Land Design South/Wantman Group (Attachment P of the Site Plan Amendment Application). Study concludes that projected P.M. peak-hour traffic will meet Palm Beach County TPS standards pending improvements included in the Five-Year Transportation Improvement Plan. The Applicant stated that required impact fees and proportionate share costs for roadway improvements, as calculated by present day methods, will be paid. A letter (7/24/2014) from County Traffic Division concludes that the proposed expansion project meets the PBC TPS with a buildout date of December 31, 2019. Tangerine Drive is a 60' access and drainage easement; 30' on the subject property and 30' on properties to the north. Condition of existing site plan approval – no access from property to Tangerine Drive.
Parks and Recreation	Not Applicable – Commercial land use and zoning
Public Schools	Not Applicable – Commercial land use and zoning
FIRE/EMS	Letter from Palm Beach County Fire/Rescue stated that the served by Station #21, located at 14200 Okeechobee Blvd. A letter from Fire/Rescue indicated an estimated response time of 7 minutes and 30 seconds, less than the average for this station zone. The site plan amendment will have minimal impact on Fire Rescue services.

### C. Environment

<b>Item</b>	<b>Summary</b>
Natural Resources	Property is primarily developed and/or cleared for development. A Landscape Inventory Plan (LI.1) indicating native trees to be preserved, moved or removed is included with the Landscape Plan. A Vegetation Removal Permit is required (Condition of Approval).
Historical Resources	Letter from the County Archaeologist stating that there are no known historic or architecturally significant resources on or within 500 feet of the property
Flood Zone	Zone X-500, per Map # FLU 1.5 of the Comprehensive Plan (Attachment K of the FLUM Amendment Application). Zone X-500 is the area lying between the limits of the 100-year and 500-year flood; or certain areas subject to the 100-year flood with average depths of less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the 100-year flood.

### D. Comprehensive Plan Consistency

The subject property currently is assigned Future Land Use Map and Zoning designations of Commercial Low (CL). The property was granted a Town-initiated rezoning on December 4, 2012 to Loxahatchee Groves Commercial Low (Town Ordinance 2012-11).

Although the Town's Commercial Low District allows a maximum F.A.R. of 0.10, the previously approved final certified site plan (0.16 F.A.R.) is grandfathered in under Paragraph (5) *Transitional Ordinances and Resolutions* of Section 10 *Transition Schedule* of the Town Charter. Section 10 directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are rescinded by the Town Council. As a result, the final certified site plan titled "Loxahatchee Country Plaza Phase – 2" and conditions of approval are vested until such time that they are rescinded or amended by the Town Council.

Site Plan SPA 2016-01 which proposes a 52,675 sq. ft. commercial development is consistent with, but reduced from the 57, 625 sq. ft. commercial center previously approved by Palm Beach County (Resolution 88-1546).

Based upon the above, proposed Site Plan Amendment SP(A) 2016-01 is consistent with its assigned Future Land Use and Zoning designations, and the following Comprehensive Plan directives:

- FLU Objective 1.2 The Town shall support development of rural style commercial center along the Southern Boulevard Corridor.
- FLU Policy 1.2.1 The Town shall limit new commercial development to areas south of East Citrus Road border to border.
- FLU Policy 1.12.3 The Town shall encourage development of a rural-style commercial center along the Southern Boulevard Corridor to provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents.

**E. Zoning Requirements: CL Zoning District**

<b>Regulation</b>	<b>Standard</b>	<b>Property/Complies?</b>
Minimum lot size	1 acre	7.96 acres/Yes
Frontage and Access	Paved Collector or Arterial	Southern Blvd./Yes
Minimum frontage/width	150 feet	722 feet/Yes
Minimum depth	150 feet	477 feet/Yes
Maximum Floor-Area-Ratio	0.10	0.152/Yes*
Maximum building and roofed structures lot coverage	25%	18.6%/Yes
Front setback	50 feet	65 feet/Yes
Side setback	25 feet	16.4 feet/Yes**
Side street setback	25 feet	74.2 feet/Yes
Rear setback	50 feet	61.2 feet/Yes***
Minimum pervious area	30%	32.9%/Yes
Maximum building height	35 feet	35 feet maximum/Yes

\* - Complies with Final Certified Site Plan Approval (F.A.R. of 0.166 per PBC Resolution 88-1546).

\*\* - Existing eastern-most building setback from Lox. Groves Water Control District.

\*\*\* - Includes 30 foot Tangerine Drive access easement.

**F. ULDC Section 110-025(B). Minimum Application Requirements**

Requirement	Response
Vehicular and pedestrian access	Property is bordered by two roads: Southern Boulevard and West Tangerine Drive (60' access easement; 30' on the subject property). Access from Tangerine and "D" Road is currently prohibited by Palm Beach County Resolution 88-1546. Proposed Site Plan indicates access from Southern Boulevard and Tangerine Drive. Condition of Approval required to allow Tangerine Drive access.
On-site circulation	Proposed Site Plan illustrates the locations of drive aisles providing on-site circulation among the proposed buildings and site access drives.
Parking	Proposed Site Plan illustrates the locations of parking areas and the number and size of parking spaces and drive aisles.
Proposed roadway or easement vacations or road closures	None proposed
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	Traffic Analysis provided. Conclusion - no improvements cited. TPS letter (7/24/2014) from Palm Beach County states that the proposed project meets the PBC TPS with a buildout date of 12/31/19. Neighborhood impacts not addressed in Analysis or TPS letter. Site access from Tangerine Drive currently prohibited; however, Site Plan amendment proposes to allow access.

**G. ULDC Article 85: Landscape Requirements (See Attachment D)**

Requirement	Response
Section 85-025 (C) Plots of 2 acres or more shall preserve or create and maintain an ecological community of at least 3% of area of the property	Not required in final certified site plan. Per 85-025 (C), requirements may be met by incorporation within buffers and/or interior landscaping. An exhibit has been submitted identifying the perimeter buffer as an ecological community in excess of the 3% requirement. The landscape buffer will be planted with native trees, shrubs and groundcovers – Condition of Approval.
Section 85-040 (D) (2) and (3) Tree survey, including trees to remove or relocate, including relocation sites	Native Tree Survey provided on Sheet LI.1 of the Landscape Plan dated 5/5/2016.
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Landscape Plan and Landscape Details provided on Landscape Plan dated May 5, 2016.
Section 85-040 (E) Irrigation plan if irrigation system to be used	Condition of Approval. To be reviewed by Town Engineer at the time of Land Development Review.
Section 85-050 (A) (1) No substances that prevent water percolation in areas not containing structures or paving	Vehicular Use/Open Space/Pervious Calculations, Exhibit EX.2, dated May 5, 2016, indicates that structures and paving constitute impervious area – meets requirement

<b>Requirement (continued)</b>	<b>Response</b>
Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5 foot height along 20% of the structure frontage	New and existing structures, with the exception of the Post Office, treated @ 100% of frontage except for entrance walkways – meets requirement
Section 85-050 (C) Vehicular use area landscaping defined and located @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Vehicular use area and vehicular use area landscape areas identified and mapped on Vehicular Use/Open Space/Pervious Calculations Exhibit EX2, dated May 5, 2016 – meets requirement.
Section 85-050 (B) Meets interior open space tree and shrub requirements	Per site plan, 2.35 acres or 29.8% of site area. Landscape requirement = 1 tree and 10 shrubs/2,000 sq. ft. (44 trees and 440 shrubs). Acres calculations provided and area mapped on Vehicular Use/Open Space/Pervious Calculations Exhibit EX2, dated May 5, 2016 – meets requirement.
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	Five dumpsters - all are screened, per the Site Plan dated May 9, 2016 – meets requirement
Section 85-050 (E) Signs screened	One monument sign at Southern Boulevard entrance per the Site Plan. Sign screened per Landscape Plan – meets requirement.
Section 85-050 (F) Existing vegetation credit requested and calculated	To be determined during Vegetation Removal Permit review and approval process – Condition of Approval.
Section 85-055 (B) Landscape buffer along property line abutting AR District	15-foot landscape buffer provided on west property line. 30-foot road easement plus 13- foot landscape strip on the north property line. No buffer on the east between existing building and LGWCD building – meets requirement for new construction.
Section 85-055 (C) 15 foot vehicular use landscape strip (not counted as interior open space)	15 foot landscape buffer provided on south and west parking lots. 30-foot road easement plus 13- foot landscape strip on the north property line - meets requirement
Section 85-050 (C) (1) Vehicular use landscape requirements – 10% of vehicular use area.	Interior open space at 64.3 % of vehicular use area calculations provided and areas mapped on Vehicular Use/Open Space/Pervious Calculations Exhibit EX2, dated May 5, 2016 – meets requirement.
Section 85-065 Site distance requirements (Ref: ULDC Article 105)	25 foot corner clips provided at Southern Boulevard entrance – meets requirement.

## H. ULDC Supplementary Requirements

### a. ULDC Article 90 Signs

<b>Allowed Signs</b>	<b>Response</b>
Sections 05-040 Permits required and 90-070 Sign permit requirements	Condition of Approval
<b>Section 90-040(B) Standards by sign type and zoning district (CL District shopping center or other multi-tenant center)</b>	
(1) Mandatory attached building identification (i.e. address) sign : 1 per structure or business @ maximum sign face of 4 sq. ft.	Condition of Approval

<b>Allowed Signs (continued)</b>	<b>Response</b>
(2) Attached awning sign (optional): Maximum 1 per structure or business @ maximum sign face of 4 sq. ft.	None proposed
(3a) Outparcel or individual stand-alone building wall sign(s): 1 per building, 2 if corner location @ maximum sign face of 18 sq. ft. to 36 sq. ft.	None proposed. One may be allowed, subject to receiving a sign permit, on the outparcel building if occupied by a single tenant.
(3b) Shopping Center attached multi-tenant building wall signs. One per tenant with an individual exterior standard entrance. Corner tenants permitted a second sign with 50% of the sq. ft. of the primary sign. 1 sq. ft. of sign face per linear foot of tenant frontage. 18 to 36 sq. ft. allowed.	One proposed for each shopping center tenant. Permit required.
(4) Attached canopy sign: 1 per canopy or 2 per building which ever is less @ 16 sq. ft. to 24 sq. ft.	None proposed
(5b) Shopping center or other multi-tenant center free-standing monument or panel sign(s): 1 per driveway @ maximum sign face area of 72 sq. ft.	One proposed at Southern Boulevard entrance per Site Plan. Permit required.
(6) Real Estate or Project Sign (to be removed after sale or project completion) 1 per street frontage @ maximum sign face of 12 sq. ft.	None proposed. One allowed with a permit.
(7) Attached window sign 3 per tenant allowed @ maximum sign face of 6 sq. ft. or 20% of window or door area, whichever is less.	None proposed. Allowed with a permit.
Sections 90-065 Landscaping around signage to meet the requirements of Section 85-050 Landscape design for interior open space	Landscaping around monument sign per Landscape Plan – meets requirement.

**b. ULDC Article 95 Parking and Loading**

<b>Requirement</b>	<b>Response</b>
Section 95-010 Minimum parking space requirements (1/250 sq. ft.) = 211 spaces required. 5 handicap spaces required (Ref: Table 208.2 PBC ULDC – 2% of total)	217 spaces provided. 211 standard; 10 handicap; and 6 U-Haul display – meets requirement. Condition of Approval – Outdoor display area (U-Haul parking spaces) limited to a maximum of 6 trucks at any given time and location indicated on the Site Plan dated May 9, 2016– Condition of Approval.
Section 95-025 Size of parking spaces – Standard space = 11' x 22.5". Handicap space = 14' x 22.5'	Proposed parking space distribution: 1. 11 x 22.5 spaces = 211 spaces 2. 14' x 22.5 Handicap spaces = 10
Section 95-050 Minimum loading space requirements (i.e. for uses that receive materials by truck).	1 loading space provided on north side of outparcel building.
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	Loading space at 12 feet x 45 feet – meets requirement.

**I. ULDC Section 155-020: Substantive Requirements (Site Plan)**

<b>Criterion</b>	<b>Compliance</b>
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	The property consists of 3 lots in Block I of Tract 9 of the Loxahatchee Groves Plat recorded on 6/12/1925 (Plat Book 12, Page 29).
Section 150-020 (B) Consistency with the Loxahatchee Groves Comprehensive Plan	Yes – Refer to Section D, above.
Section 150-020 (C) Conformance with the Town of Loxahatchee Groves ULDC	Yes – Compliance in some cases requires Site Plan Conditions of Approval and reliance upon previous approvals for the existing shopping center..
Section 150-020 (D) Conformity with the water control district’s requirements and regulations.	Proposed drainage discharge to C-51Canal. No LGWCD issues identified.

**J. Architecture**

Architectural plans (Ref: Attachment C), including elevations and floor plans, are included in Attachment O of SPA 2016-01. The proposed renovations and development plans are consistent with the following aspects of the Rural Vista Guidelines. A more detailed description of the architectural features is included in Attachment C.

- Wrap-around porch-style colonnades.
- Wall finishes having horizontal line components.
- Metal roofs.
- Siding-style finishes on parapet walls above the roofline.
- Broken parapet wall profiles that provide a vernacular feel to the roof line.

**K. Compatibility**

An inventory of land uses adjacent to the subject property is presented in Section A. The property is bounded by the Tangerine Drive access and drainage easement to the north. Thirty feet of the easement is located on the property and an additional 30 feet (i.e. total of 60 foot easement) is located to its north. Beyond the easement are 3 AR-zoned properties; two single-family homes and a vacant property.

The Southern Boulevard right-of-way, large enough to accommodate the proposed expansion to 6-lanes, abuts the property to its south. The Loxahatchee Groves Water Control District offices, in part, and the “D” Road Canal abut the property to its east. To the west are a convenience store (Loxahatchee AG Market), in part and a vacant AR-zoned property, in part.

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, two 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 of surrounding neighborhoods.

Separation of potentially incompatible uses can act to fully or partially mitigate potential incompatibilities. To the north the subject property is separated from adjacent residential properties by 60 foot rights-of-way (i.e. Tangerine Drive). Thirty feet of the right-of-way is located on the subject property. A condition of the current site plan approval prohibits site access from Tangerine Drive; however, the proposed site plan amendment would permit access from Tangerine Drive.

In addition to 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.

A review of the subject site vicinity leads to the conclusion that the area is comprised of a mixture of existing and planned land uses along Southern Boulevard, including commercial (retail and office), institutional (government) and recreation with moderate intensity (i.e. 2 to 3 units per acre) residential and agricultural uses behind frontage parcels to the north of Tangerine Drive.

Incorporation of Rural Vista Guidelines design elements and enhanced landscaping and property management provides the Town with an opportunity to establish an enhanced rural-style commercial use along Southern Boulevard. Comprehensive Plan directives regarding compatibility with neighboring properties, incorporation of Rural Vista Guidelines directives, and implementation of buffering and screening techniques are used to insure compatibility.

**L. Development Review Committee (DRC) Comments**

The following were notified and requested to provide any comments during the review process regarding issues or concerns with the proposed Site Plan:

<b>Agency/Entity</b>	<b>Comment/Response Summary</b>
County Agricultural Extension Office	Did not respond
PBC Sheriff's Department	Did not respond
PBC Health Department	Need to supply water and sewer developer's agreement
Lox. Groves Water Control District	No comment – Discharge to C-51 Canal (SFWMD facility)
PBC Solid Waste Authority	Solid Waste letter – disposal capacity available
Keschavarz & Assoc. (Town Engineer)	<p>Comments submitted. Issues raised:</p> <p>(1) drainage and flooding on USPS site. The Applicant response – Civil engineering plans to be submitted during land development review.</p> <p>(2) Vehicular access along the rear of the existing north building – recommends installation of bollards to insure safety. Applicant's response – The Site Plan has been revised to show bollards at the N/E and N/W corners of the retail buildings.</p> <p>(3) dumpster at northwest corner of new north retail building- recommends that 24-foot travel lane be reduced to 20-feet, offset 4-feet from the west side of the building and designated as one-way. Applicant's response – The dumpster has been relocated to allow better access. Two-way vehicular circulation on the west side of the building will remain.</p> <p>(4) adequate fire truck access at the north access drive and "D"-shaped parking lot islands needs to be confirmed. Applicant's response – The radii between the two north buildings are 12 feet. A Fire Truck Autoturn Exhibit EX.1 has been submitted demonstrating that fire truck access is adequate throughout the site.</p> <p>(5) ULDC requires 28-foot drive aisles – 26-feet shown. Applicant's response – The current approved site plan indicates 26-foot drive aisles, and an amendment, due to site constraints, is not requested.</p>

	<p>(6) Label the west-bound access easement commencing at the northeast corner of the property. Applicant's response – The revised Site Plan dated May 9, 2016 has been revised to indicate the easement.</p> <p>Recommended conditions of approval: (1) Applicant shall pave Tangerine Drive along the north side of the property to "D" Road; (2) Applicant shall be responsible for surface water management of Tangerine Drive along the north side of the property either by constructing drainage facilities within the right-of-way or accepting runoff from the roadway into the project water management system.</p>
PBC Fire Rescue	Letter provided – Response time less than average for Fire-Rescue Station #21.
Simmons & White (Town Traffic Engineer)	No comment at this time. Additional opportunity to comment during the land development review process.

**ATTACHMENT A**  
**Palms West Plaza Site Plan: SPA 2016-01**  
**STATEMENT OF USE**

The subject site is located at the northwest corner of Southern Boulevard and D Road with frontage on Southern Boulevard. The subject property consists of 7.96 acres. The current Future Land Use designation is CL-Commercial Low with underlying RR-5 (Rural Residential – one unit per five acres). The current Zoning District is CL-Commercial Low. No changes to the Future Land Use or Zoning District are proposed.

The Palm Beach County Petition Number given to the subject property is 1979-00240. The subject site received approval from the Palm Beach County Board of County Commissioners to rezone the property from AG-Agricultural District to CG-General Commercial District by way of Resolution R-79-1642 adopted November 27, 1979.

Additionally, the subject site received a special exception approval from the Palm Beach County Board of County Commissioners to allow a Planned Commercial Development, including a Daycare Center, Automobile and Farm Equipment Repair Facility and a Car Wash Facility by way of Resolution R-79-1643 also adopted November 27, 1979 subject to nine (9) conditions of approval.

Last, the subject site received a special exception approval from the Palm Beach County Board of County Commissioners to redesign the site plan and to include a large scale community shopping center in excess of 50,000 square feet of total floor area and an automobile service station by way of Resolution R-88-1546 adopted on September 27, 1988 subject to twenty-three (23) conditions of approval.

The Town of Loxahatchee Groves was created and established effective November 1, 2006. The subject site lies with the Towns boundary, and is thus under the jurisdiction of the Town. Noted, the Towns Charter calls for the Palm Beach County resolutions for the subject property to remain in place; therefore, the subject property is vested per the previous resolutions and certified site plan on file with Palm Beach County.

The certified site plan for the subject property is titled "Loxahatchee Country Plaza Phase-2" and the site plan has several Zoning Review revisions dates, the most recent June 10, 2010. The uses identified on the certified site plan include a 7,400 sq. ft. Lease Parcel, 39,650 sq. ft. of Local Retail located in four (4) buildings, a 6,000 sq. ft. Day Care Center building, and a 4,575 sq. ft. Post Office building for a total of 57, 625 sq. ft. Additionally, 1,000 sq. ft. (35 chairs) is allocated for a Loxahatchee Mission (Church).

Per Section 25-005 of the Loxahatchee Groves Unified Land Development Code (ULDC), the purpose and intent of the Commercial Low zoning district is intended to allow for the development of a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas and public schools.

The uses proposed within the Palms West Plaza development are entirely consistent with the CL-Commercial Low Zoning District. The proposed site plan includes an existing 4,422 sq. ft. Retail building, an existing 10,133 sq. ft. Retail building, an existing 8,005 sq. ft. Retail building, and an existing 4,575 sq. ft. US Post Office building for a total of 27,135 sq. ft. that is currently located onsite.

Further, additional 7,940 sq. ft. and 12,200 sq. ft. retail buildings are proposed, and a 5,400 sq. ft. addition to the existing retail building at the back of the site is proposed for a total of 25,540 sq. ft. of proposed building area.

The total building square footage including existing and proposed is 52,675 sq. ft. All buildings are one- story in height. Based on the total 7.96 acre site, the total floor area ratio is 0.152.

The current certified site plan on file with Palm Beach County identifies a total of 57,625 sq. ft. The proposed site plan identifies 4,950 sq. ft. less, and the proposed site plan will supersede the certified site plan if approved.



**ATTACHMENT C**  
**Palms West Plaza Site Plan: SPA 2016-01**  
**ARCHITECTURAL FEATURES**  
**(To be transmitted to PZB Members under separate cover)**

**ATTACHMENT D**  
**Palms West Plaza Site Plan: SPA 2016-01**  
**LANDSCAPE PLAN**  
**(To be transmitted to PZB Members under separate cover)**

**ATTACHMENT E1**  
**Palms West Plaza Site Plan: SPA 2016-01**  
**CONDITIONS OF APPROVAL**

**GENERAL**

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Attachment B (Palms West Plaza Site Plan SP(A) 2016-01). The approved Site Plan is dated May 9, 2016. All modifications to SP(A) 2016-01 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, as determined by the Town Manager.
3. Direct ingress and egress to the commercial development from Tangerine Drive shall be permitted provided that the Owner shall pave/surface, as determined by the Town, Tangerine Drive along the north side of the property to "D" Road.
4. The preserve area requirements may be incorporated within project buffer and/or interior open space areas and identified on the Final Landscape Plan.
5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and approve the following plans for consistency with Site Plan SP(A) 2016-01: Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
6. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with the approved Site Plan SP(A) 2016-01: Site Plan, Landscape Plan, and Elevations.
7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be filed with the Town prior to applying for an initial building permit.
8. A Unity of Title covering all property owners except the Post Office property shall be prepared and filed with the Palm Beach County Clerk of Courts prior to receiving the first building permit on either of the 7,940 sq. ft. or 12,200 sq. ft. buildings.
9. Access to Tangerine Drive shall be permitted, as indicated on the Site Plan dated May 9, 2016. The Property Owner or his assigns shall maintain Tangerine Drive in perpetuity.

## **USE LIMITATIONS**

1. Land use and intensity of development on the property shall be regulated by the application of the following:
  - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.152 in order to accommodate a maximum of 52,675 sq. ft. of general commercial, and Post Office uses.
2. Building height shall be limited to one story.
3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

## **ARCHITECTURAL**

1. Architectural features and elevations shall comply with the “Palms West Plaza Architectural Features” documents included in Attachment C.
2. The rear façade of the shopping center facing Tangerine Drive shall be given an architectural treatment consistent with the front façade.

## **ENGINEERING**

1. Consistent with the Palm Beach County Traffic Performance Standards Review (TPS Review) dated July 24, 2014, and incorporated herein by reference, no building permits shall be issued after December 31, 2019 unless an updated TPS Review is issued by Palm Beach County extending the buildout date.
2. An Irrigation plan shall be included with documents submitted to the Town Engineer for review and approval during the Land Development Review Process.
3. A comprehensive drainage report shall be submitted to the Town for review and approval as part of its land development review process.
4. A South Florida Water Management District Surface Water Management Permit shall be submitted to the Town as part of the Land Development Review Process.
5. All required impact fees and proportionate share costs for roadway improvements, as required by the Palm Beach County “Fair Share Contribution for Road Improvements Ordinance” according to a schedule determined by Palm Beach County.

## **LAND CLEARING AND LANDSCAPING**

1. Any vegetation removal activities shall comply with the permit requirements of Article 87 “Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal” of the Loxahatchee Groves Unified Land Development Code. Included in the required vegetation removal permit application, a written statement, supplemented by appropriate graphics,

Palms West Plaza

Site Plan Amendment SP(A) 2016-01

May 11, 2016

shall be submitted detailing how the requirements of ULDC Section 85-025 (C) "Preserved/created ecological communities" are satisfied.

2. Project landscaping shall conform to the Landscape Plan dated May 5, 2016.

### **EXTERIOR LIGHTING**

1. All lighting shall conform to the Photometric Plan dated February 24, 2015.

2. All exterior lighting shall be low intensity and directed downward and away from adjacent properties, and contain shields to contain lighting within the property boundaries.

### **PALM TRAN**

1. Not Applicable.

### **PARKING, LOADING, STORAGE AND DISPLAY**

1. Site Plan SP(A) 2016-01 shall indicate 201 standard and 10 handicap parking spaces. Standard parking spaces shall be sized at 11' x 22.5' unless a variance is approved by the Town Council allowing a smaller size.

2. Paved parking on the property shall not exceed the code-required 201 standard spaces, 10 handicap spaces and 6 U-Haul outdoor storage spaces.

3. Outdoor storage of U-Haul vehicles shall be limited to 6 parking spaces as located on SP(A) 2016-01. No additional outdoor storage or display areas shall be permitted unless approved by the Town Council.

4. No parking shall be allowed along the rear of the shopping center.

### **SIGNS**

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*.

2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.

3. The number of monument signs shall be limited to the following:

- One shopping center free-standing monument signs at the project entrance drive at Southern Boulevard with a maximum sign face of 72 sq. ft.

4. No off-premises signs advertising businesses or activities within the shopping center shall be permitted.

### **UTILITIES AND SERVICES**

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project expansion building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy
3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.

**ATTACHMENT E2**  
**Palms West Plaza Site Plan**  
**EXISTING CONDITIONS OF APPROVAL**  
**(From Previous Site Plan Approvals)**

**A. RESOLUTION R-1642 – No Conditions**

**B. RESOLUTION R-1643 (Zoning Petition/Special Exception)**

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County two hundred (200) ft. from the guardrail along the south side of S.R. 80 for the ultimate right-of-way for S.R. 80.

2. Petitioner shall construct the frontage road within the project's property limits.

3. Petitioner shall construct the main access road to have one lane entering and two lanes exiting.

4. Petitioner shall:

a. Construct a left turn lane, west approach, on S.R. 80 at the project's entrance.

b. Construct a right turn lane, east approach, on S.R. 80 at the project's entrance.

5. Petitioner shall signalize the intersection of S.R. 80 and the project's main entrance, when warranted, as determined by the County Engineer.

6. Petitioner shall submit a comprehensive drainage report to determine the effect that this development will have on abutting properties prior to Site Plan approval.

7. Petitioner shall contribute Forty-eight Thousand Dollars (\$48,000) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" Ordinance No. 78-7. This fee shall be determined and calculated as follows:

Commercial	\$37,000
Office	\$ 6,000
Garage	\$ 2,500
Day Care	\$ 2,000

8. Petitioner must obtain a surface water management permit from the South Florida Water Management District prior to construction.

9. Petitioner must maintain Tangerine Road perpetually.

### C. RESOLUTION R-1643 (Special Exception)

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a) parallel parking stalls a minimum of twenty-two (22) feet in length.
3. Prior to site plan approval, petitioner shall record a Unity of Title Agreement covering all property except the Post Office parcel.
4. The rear façade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon future/nearby residential development.
5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
6. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
7. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
8. No further clearing shall take place on site. The remaining oaks and other native vegetation shall be preserved and incorporated into the project design.
9. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.
10. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
11. Since sewer is available to the property, a septic tank shall not be approved for use on the property.
12. Condition No. 2 of Petition 79-240 presently states:
  - "2. Petitioner shall construct the frontage road within the projects property limits" is hereby deleted.

13. Condition No. 7 of Petition 79-240 presently states:

“7. Petitioner shall contribute Forty-eight Thousand Dollars (\$48,000) towards the cost of meeting this project’s direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer’s requirement according to the “Fair Share Contribution for Road Improvements” Ordinance No. 78-7. This fee shall be determined and calculated as follows:

Commercial	\$37,000
Office	\$ 6,000
Garage	\$ 2,500
Day Care	\$ 2,000”

Is hereby amended to state:

“7. The developer shall pay a Fair Share Fee in the amount and manner required by the “Fair Share Contribution for Road Improvements” Ordinance as it presently exists or as it may be from time to time be amended. The Fair Share Fee for this project presently is \$9,778 (365 additional trips x \$26.79).

14. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.

15. No access shall be permitted onto West Tangerine Road or West “D” Road.

16. Based on the Traffic Performance Standards (Category “B”), the developer shall contribute an additional \$2,445.00 toward Palm Beach County’s existing Roadway Improvement Program, these total funds of \$12,223.00 to be paid prior to the issuance of the next building permit prior to January 1, 1988 whichever shall first occur.

17. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

a. Building Permits for the last 3,500 square feet shall not be issued until State Road 80 has been constructed as a 4 lane median divided section from Forest Hill Boulevard to Seminole Pratt Whitney Road.

18. A minimum of 14,650 square feet of gross leasable area of the proposed plaza shall remain as office use.

19. The petitioner shall revise the State of Florida Department of Transportation plans for the four lane of State Road 80 to incorporate a left turn lane west approach at the proposed median opening of this subject site. This property owner shall be fiscally responsible for any change order associated with these plans.

20. Repairs of farm implements shall take place entirely within an enclosed building.

21. No off premise signs shall be permitted on the site.

22. No car wash facilities shall be permitted on site.

23. No gasoline sales shall be permitted on site.



May 9, 2016

Jim Fleischmann  
Land Research Management, Inc.  
2240 P.B. Lakes Blvd., #103  
West Palm Beach, FL 33409

**RE: PALMS WEST PLAZA – COMMENT RESPONSE LETTER**

Mr. Fleischmann,

We respectfully submit the following responses to the comments discussed at our January 29, 2016 meeting for the Palm West Plaza Site Plan Amendment Application. Additionally, this letter includes responses to the comments from Keshavarz & Associates, Inc. in their letter dated February 5, 2016.

1. Identify “vehicular use” and “interior open space” areas on a landscape plan map and calculate the areas of each. Interior open space must equal or exceed 10% of the vehicular use area.  
**Response: An exhibit is included with the resubmittal that identifies and shows a calculation for vehicular use area and interior open space area. Interior open spaces exceeds 10% of the vehicular use area.**
2. What is the “interior open space” percentage? 2.05 acres is identified as open space. Is this meant to be “interior open space”? Map, describe and calculate interior open space (acres and percent). If the 2.05 acres is “interior open space”, then the percentage is 25.74% of the property and related landscape requirements are 1 tree and & 10 shrubs/2,000 sq. ft. Calculate and state that this requirement is met.  
**Response: An exhibit is included with the resubmittal that identifies and shows a calculation for interior open space area. Additionally, the landscape plan has been revised to show the calculation for interior landscape.**
3. Pervious area is stated as 37%. What does this include? – Detention areas? Per Town definition, impervious area includes “water bodies”. As a result, they should not be included in the pervious area calculation.  
**Response: An exhibit is included with the resubmittal that identifies and shows a calculation for pervious area. Detention areas are included in the previous calculation because they are dry and not considered water bodies. Additionally, the labels on the site plan have been revised from detention areas to dry detention areas.**
4. All dumpsters need to be screened.  
**Response: The landscape plan has been revised to indicate screening around the dumpsters.**
5. “An ecological community” is required @ 3% of the site area = 10,402 sq. ft. This issue must be addressed.  
**Response: An exhibit is included with the resubmittal that identifies the perimeter buffer as an ecological community which is in excess of the required 3%. The landscape buffer will be planted with native trees, shrubs and groundcovers.**
6. Other topics of discussion:  
Access to and maintenance of Tangerine Drive. Is the bridge at “D” Road included?

**Response: If the Town agrees to allow access from the shopping center onto Tangerine Road, the applicant is in agreement to carry Condition 9 of Resolution R-79-1643 which states: Petitioner must maintain Tangerine Road perpetually. The bridge at "D" Road is not within the subject property boundary; therefore, maintenance obligations for the bridge are excluded.**

- a. Condition restricting additional clearing.

**Response: Condition is a hardship on the property owner and severely limits the ability to expand the shopping center. The Town's code has specific requirements and regulations related to tree preservation and mitigation that the applicant will comply with. Applicant proposes a replacement condition stating to the affect that all existing trees identified to remain on the tree disposition plan dated 05/09/16 are required to be protected with tree protection barriers during all stages of construction. Further, the site plan and landscape plan have been revised to include additional preserved trees and palms.**

- b. Condition requiring a percentage of office uses.

**Response: Condition is outdated and the uses identified on the site plan if approved will be permitted. Applicant proposes to delete condition and not carry forward.**

- c. Frontage road – will it remain and who maintains.

**Response: Condition no longer applies considering FDOT's future plans to widen Southern Blvd. The existing frontage road will be removed when Southern Blvd. is widened. Applicant proposes to delete condition and not carry forward.**

KESHAVARZ & ASSOCIATES, INC.

SITE PLAN

1. The existing Post Office in the southwest quadrant of the site is supposedly suffering flooding issues. At a minimum no changes to the adjacent drainage patterns will be allowed. Further the proposed Sewage Pumping Station just northeast of the Post Office will need to have its top slab elevation set at or above the 100 year flood elevation which may impact the alleged building flooding.

**Response: Acknowledged. Civil plans will be provided during the permit process as required.**

2. The northeastern and northwestern corners of the retail buildings along the north property are shown with pavement up to the building walls. This poses a collision hazard that should be mitigated somewhat with protective bollards. There is existing equipment along the north wall of the existing portion of the retail buildings. Will more equipment be installed along the proposed walls and how will it all be protected from traffic?

**Response: The site plan has been revised to indicate bollards at the northeastern and northwest corners of the retail buildings. The existing equipment along the north wall of the retail buildings will remain. The equipment for the proposed building addition and new building will be located on the roof.**

3. The dumpster as shown at the northwestern corner of the two northern retail buildings poses somewhat problematic access. We would suggest that the 24' travel lane along the west wall of the building be narrowed to 20', offset 4' from the wall, and be designated as one way.

**Response: The dumpster enclosure has been relocated to allow for better access. The applicant desires to keep the two-way vehicular circulation on the west side of the building.**

4. Fire truck access needs to be studied as the 25' radii of the large 'D' shaped islands terminate in 5' or smaller radii before completion of the pavement return. Also the radii of the pavement returns from the access drive to the two north retail buildings is not labeled but appears to be substantially less than 25'.

**Response: The radii between the two north retail buildings are 12 ft. An AutoTurn exhibit is included with the resubmittal demonstrating fire truck access in adequate throughout the site.**

5. The ULDC specifies 28' drive aisle widths vs the 26' as shown.

**Response: The site was previously approved with 26 ft. drive aisles and 28' drive aisles cannot be provided due to site constraints.**

6. Does the 30' Road Easement labeled at the east property line actually turn and run west along the north line? If so, please label.

**Response: Yes, the 30' Road Easement runs west along the north property line. A label has been added to the site plan to further clarify.**

#### PHOTOMETRICS

1. The CIMARRON LED luminaire must be clearly specified as FULL CUTOFF.

**Response: The photometric plan will be updated accordingly with the next resubmittal.**

#### CONDITION OF APPROVAL

1. The applicant shall be required to pave the roadway along the north side of the property from the western limits of the project site east to D Road. The roadway shall be paved with either
- a minimum of 3" of OGEM wearing surface with 4" minimum lime rock base,
  - or
  - a minimum of 1.5" of Type S-3 asphalt wearing surface with 6" minimum lime rock base.

The applicant shall be responsible for surface water management of the subject roadway whether adequate facilities are constructed within the easement/right-of-way or the applicant accepts storm water runoff from the roadway into the project's surface water management system.

**Response: The applicant is not in agreement with paving D Road, as it is an undue hardship.**

If you have any questions, or would like to discuss any of the responses or resubmittal documents contained herein, please do not hesitate to contact me.

Sincerely,

**WANTMAN GROUP, INC.**



Richard Donofrio, RLA  
Senior Project Manager



**Status of Conditions of Approval  
Palms West Plaza  
Northwest Corner of Southern Boulevard and D Road  
Site Plan Amendment**

**Resolution No: R-79-1642**

No Conditions

**Resolution No: R-79-1643**

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County two hundred (200) ft. from the guardrail along the south side of S.R. 80 for the ultimate right-of-way for, S.R. 80.

**Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.**

2. Petitioner shall construct the frontage road within the project's property limits.

**Status: Condition no longer applies considering FDOT's future plans to widen Southern Blvd. Applicant proposes to delete condition and not carry forward.**

3. Petitioner shall construct the main access road to have one lane entering and two lanes exiting.

**Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.**

4. Petitioner shall:

- a. Construct a left turn lane, west approach, on S.R. 80 at the project's entrance.
- b. Construct a right turn lane, east approach, on S.R. 80 at the project's entrance.

**Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.**

5. Petitioner shall signalize the intersection of S.R. 80 and the project's main entrance, when warranted, as determined by the County Engineer.

**Status: Condition no longer applies considering FDOT's future plans to signalize the intersection of State Road 80 and D Road just east of the project's main entrance. Applicant proposes to delete condition and not carry forward.**

6. Petitioner shall submit a comprehensive drainage report to determine the effect that this development will have on drainage on a butting properties prior to Site Plan approval.

**Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.**

7. Petitioner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" Ordinance No. 79-7. This fee shall be determined and calculated as follows:

Commercial	\$37,500.00
Office	\$6,000.00
Garage	\$2,500.00
Day Care	\$2,000.00

**Status: Condition is outdated. Applicant proposes to delete condition and not carry forward. As required for the proposed development, the applicant will pay all required impact fees and proportionate share costs for roadway improvements as calculated with present day methods.**

8. Petitioner must obtain a surface Water management permit from the South Florida Water Management District prior to construction.

**Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.**

9. Petitioner must maintain Tangerine Road perpetually.

**Status: If the Town agrees to allow access from the shopping center onto Tangerine Road, the applicant is in agreement to carry condition forward.**

**Resolution No.: R-88-1546**

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

**Status: New resolution will delete, carry forward or modify all previous conditions of approval. Applicant proposes to delete condition and not carry forward.**

2. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Parallel parking stalls a minimum of twenty-two (22) feet in length.

**Status: Condition is a code requirement, and no parallel parking stalls are shown on the proposed site plan. Applicant proposes to delete condition and not carry forward.**

3. Prior to site plan approval, petitioner shall record a Unity of title Agreement covering all property except the Post Office parcel.

**Status: Condition has been satisfied. Applicant is in agreement to carry condition forward should the Town choose to do so.**

4. The rear façade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon future/nearby residential development.

**Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
6. **Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**
7. No parking of any vehicles shall be permitted along the rear of the shopping center in designated spaces of unloading areas.

**Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**

8. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.

**Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.**

9. No further clearing shall take place on site. The remaining oaks and other native vegetation shall be preserved and incorporated into the project design.

**Status: Condition is a hardship on the property owner and severely limits the ability to expand the shopping center. The Town's code has specific requirements and regulations related to tree preservation that the applicant will comply with. Applicant proposes a replacement condition stating to the affect that all existing trees identified to remain on the tree disposition plan date xx/xx/xx are required to be protected with tree barriers during all stages of construction.**

10. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.

**Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.**

11. No building permit shall be issued to the subject property until such a time that the site is connected to a public sewer system.

**Status: Condition has been completed. Applicant proposes to delete condition and not carry forward.**

12. Since sewer is available to the property, a septic tank shall not be approved for use in the property.

**Status: The existing shopping center utilizes sewer as will the proposed development. Applicant proposes to delete condition and not carry forward.**

13. Condition No. 2 of petition 79-240 presently states:

"2. Petitioner shall construct the frontage road within the projects property limits"

Is hereby deleted.

**Status: Condition was previously deleted. Applicant proposes to not carry forward.**

14. Condition No. 7 of petition 79-240 presently states:

"7. Petitioner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" Ordinance No. 79-7. This fee shall be determined and calculated as follows:

Commercial	\$37,500.00
Office	\$6,000.00
Garage	\$2,500.00
Day Care	\$2,000.00"

Is hereby amended to state:

"7. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$9,778 (365 Additional trips x \$26.79)."

**Status: Condition is outdated. Applicant proposes to delete condition and not carry forward. As required for the proposed development, the applicant will pay all required impact fees and proportionate share costs for roadway improvements as calculated with present day methods.**

15. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 85% of the stormwater runoff generated by a three (3) year – one hour storm (3.0 inches) per requirements of the Permit Sections, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the county Engineer.

**Status: Code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.**

16. No access shall be permitted onto West Tangerine Road or West "D" Road.

**Status: If the Town agrees to allow access from the shopping center onto Tangerine Road, the applicant is in agreement to carry forward Condition #9 of Resolution 79-1643 which states: Petitioner must maintain Tangerine Road perpetually.**

17. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$2,445.00 toward Palm Beach County's existing Roadway Improvement Program, these

total funds of \$12,223.00 to be paid prior to the issuance of the next building permit or prior to January 1, 1988 whichever shall first occur.

If the "Fair Share Contribution of road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$2,445.00 shall be credited toward the increased Fair Share Fee.

**Status: Condition is outdated. Applicant proposes to delete condition and not carry forward. As required for the proposed development, the applicant will pay all required impact fees and proportionate share costs for roadway improvements as calculated with present day methods.**

18. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

- a. Building Permits for the last 3,500 square feet shall not be issued until State Road 80 has been constructed as a 4 lane median divide section from Forest Hill Boulevard to Seminole Pratt Whitney Road.

**Status: Condition has been satisfied. State Road 80 currently has 4 lanes with plans to widen to 6 lanes. Applicant proposes to delete condition and not carry forward.**

19. A minimum of 14,650 square feet of gross leasable area of the proposed plaza shall remain as office use.

**Status: Condition is outdated and uses as approved on the site plan will be permitted. Applicant proposes to delete condition and not carry forward.**

20. The petitioner shall revise the State of Florida Department of Transportation plans for the four lane of State Road 80 to incorporate a left turn lane west approach at the proposed median opening of this subject site. This property owner shall be fiscally responsible for any change order associated with these plans.

**Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.**

21. Repairs of farm implements shall take place entirely within an enclosed building.

**Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**

22. No off premise signs shall be permitted on the site.

**Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**

23. No carwash signs shall be permitted on site.

**Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**

24. No gasoline sales shall be permitted on site.

**Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**

