

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2015-22**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE LOXAHATCHEE GROVES COMMONS SITE PLAN AMENDMENT, FOR LAND OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council, on February 17, 2015, adopted Ordinance 2013-09 approving the rezoning of the property from the Agricultural Residential (AR) zoning district to Commercial Low Planned Unit Development (CL/PUD), including the Final Conceptual Master Plan and Final Conditions of Approval ; and

**WHEREAS**, the Town Council, on February 17, 2015, adopted Resolution 2015-05 approving Final Site Plan 2014-02, including the Final Site Plan, Statement of Use and Final Conditions of Approval ; and

**WHEREAS**, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans and amendments to site plans for development on property within the Town; and

**WHEREAS**, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans and site plan amendments; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

**WHEREAS**, the Town Planning and Zoning Board (P&Z Board), at its meeting of July 9, 2015 recommended approval of the Loxahatchee Groves Commons Site Plan Amendment Application SP(A) 2015-04; and

**WHEREAS**, the Loxahatchee Groves Commons Site Plan Amendment Application SP(A) 2015-04, was presented to the Town Council at a quasi-judicial public hearing conducted on August 4, 2015; and

**WHEREAS**, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

**WHEREAS**, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

**Section 1.** Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

**Section 2.** The Town Council has considered the findings in the staff report dated July 17, 2015 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. Site Plan SP(A) 2015-04 is consistent with the Final Conceptual Master Plan approved by the Town Council in Town Ordinance 2013-09.
2. Site Plan SP(A) 2015-04 is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
3. Site Plan SP(A) 2015-04 as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit D hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit D hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
3. Site Plan SP(A), as presented in Exhibit B hereto, and Statement of Use, as presented in Exhibit C hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted and presented in Exhibit D hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. Site Plan SP(A) 2015-04, as presented in Exhibit B hereto, and Statement of Use, as presented in Exhibit C hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural

functioning of the environment.

6. Site Plan SP(A) 2015-04, as presented in Exhibit B hereto, and Statement of Use, as presented in Exhibit C hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, will result in logical, timely and orderly development patterns.

**Section 3.** The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Loxahatchee Groves Commons Site Plan Amendment SP(A) 2015-04 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of the Amended Site Plan, subject to the approved conditions presented in Exhibit D hereto, is attached hereto as Exhibit B and made a part hereof.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 6.** This Resolution shall become effective upon adoption.

*[The remainder of this page intentionally left blank.]*

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida **THIS 21<sup>st</sup> DAY OF JULY, 2015.**

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Council Member Tom Goltzené

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Council Member Ryan Liang

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Council Member Jim Rockett

**EXHIBIT A**

**LEGAL DESCRIPTION AND LOCATION MAP**

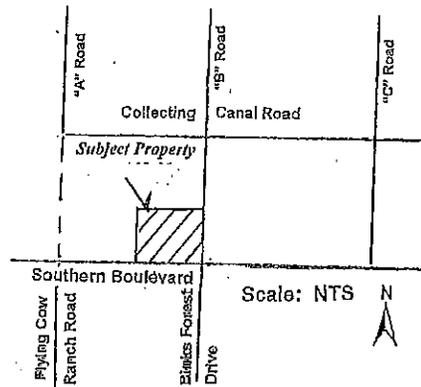
**The following Legal Description is applicable to Resolution 2015-05:**

Parcel Control Number: 41-41-43-31-09-000-0020

LOT 2, SIMON TRUST BOUNDARY PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 116, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

**LOCATION MAP**



**EXHIBIT B**

**LOXAHATCHEE GROVES COMMONS FINAL SITE PLAN SP(A) 2015-04**



**EXHIBIT C**  
**LOXAHATCHEE GROVES COMMONS FINAL SITE PLAN: SP (A) 2015-04**  
**STATEMENT OF USE**

**A. APPLICANT'S INITIAL STATEMENT OF USE: July 22, 2014**

The request of the proposed amendment is to modify +/-21.73-acres from the current AR (Agricultural Residential) Zoning designation to Planned Commercial Development (PCD). Loxahatchee Groves Commons has been designed to enhance and preserve the rural character of the area and promote economic development in the Town through the placement and design of each proposed use.

Concurrent with this rezoning request is the creation of the Planned Commercial Development (PCD) district. The intent of the PCD district is to allow for creative use of land resulting in quality development. The PCD district will encourage ingenuity and imagination with an intent to promote sustainable development, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides services to the community and minimizes impacts on the surrounding areas through the use of flexible and innovative land development techniques. The subject property has been designed to be consistent with the proposed PCD Zoning requirements.

The location for the requested PCD Zoning designation is the most appropriate location for commercial retail uses, as it is located at the corner of a major intersection with a State SIS roadway, and located across B Road from a proposed commercial and office project located on the east side of B Road. This will create a node of community-serving uses at a logical intersection. The planned western campus of the Palm Beach State College will wrap around the west and north sides of the site as well with cross access being proposed to the campus's main entrance from Southern Boulevard. In addition, B Road connects to Binks Forest Drive to the south. The proposed commercial retail uses have been designed to promote economic development and create jobs within the Town of Loxahatchee Groves.

The subject property has been designed to locate a 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 Planning and Zoning Board Meetings. These changes addressed the two previous main concerns of parking space sizes and circulation. Further changes have evolved with the current layout which also further the ease of circulation, cross connection with the neighboring 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 slightly to help 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 their 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 a better site plan for the community and the customers who will be frequenting the 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.

## **STATEMENT OF INTENT TO SUBDIVIDE**

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

## **STATEMENT OF ACKNOWLEDGEMENT OF THE DELINEATION OF NATIVE VEGETATION TO BE PRESERVED**

Pursuant to the Town's comprehensive plan and land development regulations, the applicant is proposing to cluster the commercial development on the +/-21.73-acres located at the corner of the intersection of B Road and Southern Boulevard. The majority of the first +/-300' into the property along the frontage of Southern Boulevard has been used for grazing thus is not heavily vegetated. However, the portion further into the development does include an area of pines, oaks, sabal palms, other native species and exotic plants such as Brazilian Pepper. This area lies mostly where the applicant is proposing a lake to be consistent with South Florida Water Management regulations such as compensating storage and retention requirements for the property which equates to approximately 6.5 acres of required area. The lake was located on the Northern third of the property to help buffer and transition into the PBSC property to the north and west. The applicant is proposing to cluster the commercial area as close to Southern Boulevard and B Road as possible to be consistent with the Town's comprehensive plan and land development regulations. It is important to note that most of the native plant material would fall under the retention area and thus not being suitable for preservation. The areas in and around the development area will also be re-graded to meet SFWMD drainage requirements and keep the site and off-site areas from flooding. Lastly, the applicant has provided several open space areas and perimeter buffer's where trees could be preserved however most of these areas are encompassed by brazilian pepper and not native vegetation. The applicants intends on removing all exotic vegetation from the open space areas and install new, healthy native vegetation and will utilize any existing sabal palms if they are able to be relocated from the proposed lake area.

## **BUFFER DETAIL FOR ANY PROPERTY LINE ADJACENT TO A RESIDENTIAL ZONING DISTRICT**

This requirement is not applicable due to the commercial property bordering the future Palm Beach State College Property. The applicant has provided landscape buffers on the master plan/site plan which will be stripped of all exotic plant material and re-planted with native vegetation.

## **B. APPLICANT'S AMENDED (SUPPLEMENTAL) STATEMENT OF USE: July 2, 2015**

The proposed amendments to the site plan are consistent with the approved Conceptual Master Plan, Final Site Plan SP 2014-02, SP 2014-02 Conditions of Approval and ULDC requirements.

### **Site Plan Changes**

- Revised Display Areas for Building C to be consistent with the approved waiver and conditions of approval allowing display area to the west and south of the outdoor storage areas
- Added Tree grates/planting area to screen the display area and building in front of Building C
- Added small planting area the outdoor storage area (hedge on west and south sides of fence)

- Relocated handicap spaces in front of Building C to accommodate tree grates
- Larger landscape areas in front of Building B
- Revised Outparcel E to a national branded gas station and convenience store
  - This parcel was previously approved as a fast food restaurant. Due to the transient nature of the Palm Beach State College and Southern Blvd, the applicant is requesting the change to a gas station and convenience store. The fast food restaurant will move over to the western outparcel which logically makes sense to be closer to the Palm Beach State College. The gas station and convenience store also makes sense to be located at the hard corner with the traffic signal. It is important to note that the gas station and convenience store is a permitted use in the ULDC and thus this request is consistent with the ULDC.
- Revised Outparcel F
  - This parcel was previously approved as a bank outparcel however due to the current market trends, banks are tending to open less stand along locations as customers continue to use online banking and ATM's for their banking needs. As such the applicant has worked with a national branded drive thru coffee shop and is currently working with other potential users to occupy the revised building layout.
- Revised Outparcel G
  - This parcel was previously approved as a retail building that could be easily modified to a fast food restaurant depending on what the market demanded at the time of development. Since the Palm Beach State College is beginning construction soon, the applicant has several interested fast food operators and is thus requesting the change in use for this parcel. It is important to note that the requested change in use is consistent with the ULDC and fast food restaurants are a permitted use pursuant to the ULDC.
- The architect added a non-air conditioned meter room for Building B to hide electrical meters and to avoid hanging meters on rear of building for both aesthetics and security purposes.

#### **Landscape Plan Changes**

- Added 9 Adonidia Palms in tree grates in front of Building C
- Added Cocoplum hedge to screen outdoor storage area for Building C
- Revised landscape in front of Building C, Building A and Building D to avoid conflicts within architecture elements and be consistent with ingress/egress.
- Provided separate landscape design and material schedule for each outparcel
  - Tenants for Outparcel E and G will install landscape shown on sheets OLP.E and OLP.G however applicant requests approval of landscape plans at this time. Outparcel E

improvements will likely occur with the shopping center while Outparcel G improvements may occur slightly after.

- Outparcel F will be built and landscape will be installed with all other shopping center improvements.
- Revised landscape plan to match planting areas behind Building B with architectural plans.
- Revised landscape design at southeast corner to accommodate outparcel design – added Royal Palms
- Revised landscape plan to be consistent with all site plan, engineering, lighting changes.
- Revised to be consistent with Land Clearing permit and other permit reviews
- Included Median Planting for B Road Improvements
- Modified spacing and planting specs to be consistent with current availability pursuant to Landscape contractor bids

\*Note that the changes to the landscape plan result in an INCREASE in overall landscape material and cost for the landscape installation. This is consistent with the Land Clearing permit, Alternative Mitigation plan and ULDC.

#### **Photometric Plan Changes**

- Revised lighting design to be more sustainable using LED lighting rather than Metal Halide
  - Revised design includes a lower lighting level and less light fixtures.
- Revised to be consistent with all other plan changes i.e. landscape, site plan, engineering

\*Note that the changes to the photometric plan result in a DECREASE in light fixtures and light intensity due to the switch from Metal Halide to LED which also reduces overall electricity usage for the parking lot lighting.

#### **Civil Engineering Plan Changes**

- Revised to be consistent with site plan and landscape plan changes
- Revised to meet ADA requirements for anchor tenants
- Revised to accommodate outparcel design
- Revised water, sewer, drainage to accommodate comments from PBCWUD permit review
- Revised pursuant to architectural feature drainage and coordination of utilities.

**EXHIBIT D**  
**FINAL SITE PLAN CONDITIONS OF APPROVAL: SP(A) 2015-04**

**A. GENERAL**

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. The Final Conditions of Approval of Town Ordinance 2013-09 which assigned a Commercial Low Planned Unit Development (CL/PUD) zoning designation to the site, are adopted by reference and incorporated herein. Conditions of approval assigned by Resolution 2015-05 approving Final Site Plan 2014-02 are adopted by reference and incorporated herein and shall remain in effect unless updated or supplemented herein.
3. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibits B and C (Loxahatchee Groves Commons Final Site Plan SP(A) 2015-04 and Statement of Use) of Resolution 2015-22. The approved Final Site Plan is dated July 10, 2015. The approved Statement of Use is dated July 22, 2014 and updated to reflect to reflect the Final Site Plan SP(A) 2015-04 on July 2, 2015. All modifications to the approved Final Site Plan SP(A) 2015-04 and/or Statement of Use 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.
4. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager and Town Consulting Engineer shall review and approve all land development plans, as required by the Palm Beach County Building Department.
5. Prior to a Fee title conveyance, an outparcel lot shall be platted.

**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 Final Site Plan SP(A) 2015-04 dated July 10, 2015.
2. Bars and night clubs are prohibited.
3. A 5.40 acre Lake Tract Area and 0.72 acre preserve/passive park, including an equestrian trail shall be shown on the Final Site Plan SP(A) 2015-04 dated July 10, 2015.
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 only from project entrances off of Southern Boulevard.

6. The southernmost project entry drive from the Southern Boulevard entrance road to Palm Beach State College shall be restricted to right-turn only.

7. Left-turn only directional arrows and signage shall be incorporated at the drive-thru exit from Building G and right-turn only directional arrows and signage shall be incorporated at the drive aisle entrance on the east side of Building G.

8. Bars and night clubs are prohibited.

### **C. ARCHITECTURAL**

1. Building sidings and signs materials shall mimic wood lap siding
2. Trim shall be applied at the corners of buildings
3. Wall breaks on the larger buildings shall be enhanced by using arcades, banding, dormers and projections
4. Continuous arcades (porch) shall be used as a means of creating human scale along the fronts of buildings
5. Metal roofing shall be used on all buildings
6. Dormers, mansard and other vertical elements shall be used to break up the roof line
7. Integration of complex window elements on buildings
8. Mechanical and service areas shall be screened from public view
9. Signage structures shall mimic building architecture
10. Split Rail Fencing shall be used around the Equestrian Path

### **D. ENGINEERING**

1. Consistent with the 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, 2019. 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. "B" Road right-of way conveyance shall be accomplished pursuant to the Final Conditions of Approval of Town Ordinance 2013-09.

3. The Property Owner shall participate in the "B" Road improvements program pursuant to the Final Conditions of Approval of Town Ordinance 2013-09.

## **E. LAND CLEARING AND LANDSCAPING**

1. Any land clearing 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 land clearing permit, a “Created Ecological Community Installation and Management Plan” shall be approved by the Town for the 0.72 acre “Reserve/Passive Park to satisfy the requirements of ULDC Section 85-025 (C) *“Preserved/created ecological communities.”*”
2. Project landscaping shall conform to the Landscape Plan dated March 20, 2015.

## **F. EXTERIOR LIGHTING**

1. Exterior lighting shall utilize LED lighting and comply with the Photometric Plan dated March 22, 2015.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

## **G. PALM TRAN**

1. Not Applicable.

## **H. PARKING AND LOADING**

1. All parking and loading shall occur on site as indicated on the approved Final Site Plan dated July 10, 2015.

## **I. SIGNS**

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

1. Three outparcel free-standing signs with a maximum sign face of 60 sq. ft.
2. Three shopping center free-standing signs at the following locations: “B” Road entrance with a maximum sign face of 72 sq. ft.; Southern Boulevard entrance with a maximum sign face of 72 sq. ft.; and PBSC entrance off of Southern Boulevard, located at the cross-access drive with a maximum sign face of 16 sq. ft.

## **J. UTILITIES AND SERVICES**

1. A Developer’s Agreement shall be executed by the Property Owner and the Palm Beach County Water Utility Department and approved by the Town of Loxahatchee Groves for the provision of central water and wastewater service to the project prior to issuance of the first project 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