

TOWN OF LOXAHATCHEE GROVES
Town Hall Council Chambers
PLANNING AND ZONING BOARD MEETING (LPA) AND ULDC
JOINT MEETING
AGENDA

MARCH 24, 2021 6:00 – 8:00 P.M.

Palm Beach County entered modified “Phase-3” Covid-19 public protocols, limited public audience can be accommodated in Town Hall (currently a max 12-person audience w/mandatory facemasks, social distancing, first come seating). Public comment is also accepted by writing the Clerk’s office. This meeting will be streamed and close-captioned as normal, access instructions posted on website.



William Ford – Chair (Seat 1)
Matthew Otero (Seat 3)
William Bell - Vice Chair (Seat 5)

Brett Rafterwitz (Seat 2)
Neil O'Neal III (Seat 4)

ULDC ADVISORY COMMITTEE MEMBERS

Jo Siciliano (Seat 1)
Cassie Suchy (Seat 3)
Todd McLendon (Seat 5)

Vacant (Seat 2)
Laura Cacioppo (Seat 4)

Administration

Town Manager, James S. Titcomb
Town Planning Consultant, Jim Fleishmann
Town Clerk, Lakisha Q. Burch

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Town of Loxahatchee Groves. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the Agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member,

without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

CALL TO ORDER

ROLL CALL

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Palm Beach County entered "Phase-3" Covid-19 protocols, a limited public audience can be accommodated of up to 12-persons in audience, mandatory masks, social distancing, first come seating). Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 6:00 PM day of the meeting. Comments received will be "received and filed" and acknowledged as part of the official public record for indicated meeting.

REGULAR AGENDA

1. Motions from the February 24, 2021 Meeting:

- Only "Mom & Pop" businesses shall be allowed in the Overlay.
- A maximum F.A.R. of 0.10 shall be allowed with a maximum of 25,000 sq. ft. of buildings per parcel.

2. Discussion Items from Previous Meetings:

- Overlay Parcel Sizes
- De Minimis Traffic Generation
- Buffers and Setbacks
- Mom & Pop Businesses

3. Low Impact Non-Residential Uses on Okeechobee Boulevard.

A principal focus of the Overlay is to identify "low impact non-residential" uses along the corridor. Attached is the section of the Overlay which defines uses along the corridor.

4. Additional Okeechobee Overlay Issues

The Town Council identified several Okeechobee Overlay issues that need additional discussion. Attached is a list of those issues for discussion by the Joint Committee.

COMMITTEE MEMBER COMMENTS

ADJOURNMENT

AGENDA ITEM #2

OKEECHOBEE OVERLAY PARCEL SIZE INVENTORY

Parcel Size	Number of Parcels
Less Than 1 acre	6
1 to 2.99 acres	4
3-3.99 acres	6
4 - 4.5 acres	2
4.5 - 4.99	11
5 -10 acres	35
10.1 to 15 acres	2
15.1 to 20 acres	3
20.1 + acres	2
Total	71

EXAMPLES OF DEMINIMUS IMPACT LAND USES

Land Use	Impact Factor
Single-Family Residential	18 dwelling units
Hotel	37 rooms
Church/Synagogue	43,000 sq. ft.
Day Care	50 children
Office (General)	5,500 sq. ft.
Medical Office	6,500 sq. ft.
Garden Center	2.5 acres
Quality Restaurant	4,500 sq. ft.
General Commercial	5,400 sq. ft.
High Turnover Sit-Down Restaurant	3,500 sq. ft.
Coffee/Donut Shop w/o DT	370 sq. ft.

“MOM & POP BUSINESSES”

According to the Town’s Attorney, we should stay away from using this term, as it is too subjective, unless we have a specific definition.

The City of Stuart uses the term “Formula Business” within a portion of the Downtown Area along Ocean Boulevard and Flagler Avenue/Street.

The following are excerpts from the City of Stuart ULDC:

Formula business (Definition) means a retail business establishment, including a restaurant, which is one of not less than six or more similar establishments located elsewhere which as a group satisfy two or more of the following criteria:

1. They have the same or a similar name, trade name, trademark or logo;
2. They maintain a standardized menu, food ingredients or food preparation;
3. They maintain a standardized array of merchandise;
4. They have the same or similar building appearance;
5. They benefit from common advertising of the group of businesses as opposed to a single business;
6. They utilize common or similar signage; and
7. If the group is comprised of restaurants:
 - a. They provide for the sale of food or beverages to the customer in a ready-to-consume state, or
 - b. The design of the building or the principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, or
 - c. Food where orders are generally not taken at the customer's table, or
 - d. Food is generally served in disposable wrapping or containers, or
 - e. Where food and beverages may be served directly to the customer in a motor vehicle.

C. *Standards.* The following specific standards shall apply to formula businesses in the Urban Center, Urban Neighborhood, Urban General and the Urban Waterfront sub-districts of the Urban District.

- (1) The proposed formula business will not alter the identity of the urban district in a way which detracts from its uniqueness or contributes to a nationwide trend of standardized downtown offerings.
- (2) The proposed formula business will contribute to a diverse and appropriate blend of businesses in the urban district.
- (3) The proposed formula business will complement those businesses already in the urban district and help promote and foster the local economic base as a whole.
- (4) The proposed formula business will be compatible with existing surrounding uses.
- (5) The proposed formula business has been designed and will be operated in a nonobtrusive manner to preserve the community's character and ambiance and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites.
- (6) The proposed formula business meets all of the following fixed criteria:
 - a. The size of the business shall not exceed 1,500 square feet of gross floor area.
 - b. The first-floor street frontage of the business shall not exceed 35 feet in width.
 - c. Corporate advertising shall not be used which is visible from the exterior of the premises.
 - d. Exterior facade colors shall comply with the requirements of the Urban Code.
 - e. Corporate structural elements and signage will be designed to be in harmony with architectural features and elements of the building as approved by the city development director.

- f. Signage colors shall be muted to minimize visual intrusion as approved by the city development director.
 - g. No drive thru windows shall be used.
- D. *Distance requirements.* A formula business shall not locate within 300 feet of an existing formula business establishment.
- E. *Existing formula business.* A business may be a formula business that exists on the 14th day of February, 2005, the effective date of this ordinance. Any such business, and any business that becomes a formula business by virtue of the creation of six or more other such businesses, shall be deemed a legal nonconforming use of a building subject to the provisions of section 8.03.00 of this Code.

“FAST-FOOD RESTAURANT”

Good Definition: An establishment required by contractual or other arrangement to offer some or all of the following:

- (1) Standardized menus, ingredients, food preparation, décor, external façade and/or uniforms.
- (2) Prepared food in a ready-to consume state.
- (3) Sold over the counter in disposable containers and wrappers.
- (4) Selected from a limited menu.
- (5) For immediate consumption on or off the premises.
- (6) When the customer pays before eating.

AGENDA ITEM #3 (Low Impact Uses identified in the Okeechobee Overlay)

Future Land Use 1.16 Objective: Insure compatible, Low impact uses on properties with frontage on Okeechobee Boulevard by establishing and implementing the OR 5 Overlay as a means to control the allocation, location, scale and timing of development along the corridor.

Policy 1.16.1:

The minimum parcel size of a development within the OR 5 Overlay shall be 5 acres and comply with the land development regulations of the Town’s Agricultural Residential (AR) zoning district, unless specifically countermanded by the provisions of this Comprehensive Plan.

Policy 1.16.2:

Low impact development within the OR 5 Overlay may occur only in accordance with designated uses within the following six categories:

- (1) Residential and non-residential principal and accessory uses within the Town’s

Agricultural Residential (AR) zoning district.

- (2) Conditional Uses previously allowed in the AR zoning district prior to incorporation of the Town: bed and breakfast; landscape service; medical or dental office; farmer's market; or furrier.
- (3) Cottage Business Conditional Uses (Home Office or Residential Enterprise). Permitted businesses shall be defined by the Town Council and incorporated within the ULDC. Numbers of employees and/or customers for individual businesses shall be determined by the Town Council through the Category A Special Exception approval process.
- (4) Low Impact Non-Residential Uses, including: saddle shop/leather works; Agri/Eco tourism, to be defined by the Town Council; coffee shop/breakfast and lunch; farm-to-table restaurant; specialty foods (ice cream, yogurt, bakery, butcher, etc.); and antiques.
- (5) Historical Legacy Uses, as approved by the Town Council.
- (6) Community Serving Uses: Town Center; multi-purpose arena; botanical gardens; and park/public events.

Policy 1.16.3:

The Maximum Floor-Area-Ratio of a development within the OR Overlay, with the exception of residential and agriculture uses shall not exceed 0.10.

Policy 1.16.4:

The Town shall require a consistent architectural theme within the OR 5 Overlay.

Policy 1.16.5:

The owners of non-conforming uses within the OR 5 Overlay shall meet with Town staff to establish a program to identify and rectify such non-conformities. The program shall be subject to a Category B Special Exception review and approval process.

AGENDA ITEM #4 (Additional Issues to be addressed in the Okeechobee Overlay)

1. Larger than normal (e.g. 40 feet in front and 100 feet in the rear) "greenbelt" buffers/setbacks should be required in the Overlay.
2. Further detail on how non-conforming uses along Okeechobee Boulevard are to be addressed
3. Require that only native trees (e.g. oaks and pines) be used as landscape material in future development projects along Okeechobee Boulevard.

4. Prepare a list of excluded ((i.e. prohibited) uses along Okeechobee Boulevard.
5. The Overlay should emphasize minimum impact to residents of Loxahatchee Groves.
6. The F.A.R. for self-storage (Southern Boulevard only) needs to be refined and a maximum determined.
7. The financial impact of implementing the Overlay needs to be considered.
8. Additional issues identified by the Joint Committee.