

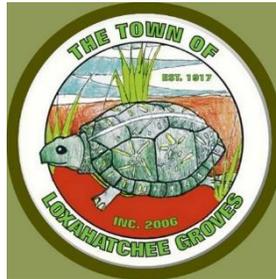
TOWN OF LOXAHATCHEE GROVES

TOWN HALL CHAMBERS

PLANNING AND ZONING BOARD & LOCAL PLANNING AGENCY

AGENDA

July 16, 2020 – 5:30 P.M.



William Ford (Seat 1)
Matthew Ortero (Seat 3)
William Bell (Seat 5)

Dennis Lipp (Seat 2)
Neil O'Neal III (Seat 4)
Veronica Close (Alt.)
Thais Gonzales (Alt.)

Administration

Town Manager Jamie Titcomb
Town's Planning Consultant, Jim Fleishmann
Town Clerk, Lakisha Q. Burch

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

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. 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.

CALL TO ORDER

OPENING

- 1. Swearing-In of PZB members**
- 2. Call to Order & Roll Call**
- 3. Election of Officers (Chairman and Vice-Chairman)**
- 4. Approval of Agenda**
- 5. Public Comments***

REGULAR AGENDA

- 1. Big Dog Ranch Site Plan Amendment**
- 2. Brown Open Storage**
 - a. Staff Overview**
 - b. ULDC Text Amendment**
 - c. Special Exception and Site Plan**
- 3. Florida Department of Economic Opportunity Technical Assistance Planning Grant Comprehensive Plan Amendments – Staff Introduction Only (Set Potential Special Meeting Date as LPA)**

COMMITTEE MEMBER COMMENTS

SET NEXT MEETING DATE

ADJOURNMENT

COMMENTS FROM THE PUBLIC

Due to FL Governor Executive Order(s) modifying Public Meetings rules and Palm Beach County Declarations on social distancing for the COVID-19 pandemic - THIS MEETING IS CLOSED to in-person attendance above 10 persons, presenters, committee and staff scheduled.

Public Comment for this meeting may be received by email, or in writing to the Town Clerk's Office up until 5:00 PM day of meeting. Comments received will be received/filed and acknowledged as part of the official public record for the meeting.

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
July 16, 2020**

BIG DOG RANCH SITE PLAN AMENDMENT STAFF SUMMARY:

A. Site and Applicant Information

1. Site Plan Amendment Application SP (A) 2020-02 Big Dog Ranch

Project Name: Big Dog Ranch Site Plan Amendment SP (A) 2020-02.

Agent: Jeff Brophy, Wantman Group, Inc.

Applicant: Lauren R. Simmons, Manager.

Owner: Big Dog Ranch Real Estate Holdings, LLC.

Parcel Control Numbers (PCN): 41-41-43-17-01-411-0010.

Project Location: Southeast corner of Okeechobee Boulevard and "D" Road.

Street Address: 14444 Okeechobee Boulevard

Size of Property: 33.162 acres.

FLU Map Designation: Rural Residential 5 (RR 5)

Zoning Designation: Agricultural Residential (AR) with a Special Exception and Site Plan approval for a Rescued Animal Care Facility.

Existing Use: Big Dog Ranch Rescued Animal Care Facility.

Current Maximum Development Potential: 65,804.5 sq. ft.; 0.041 F.A.R. (Resolution 2018-07).

Proposed Maximum Development Potential: 65,804.5 sq. ft.; 0.041 F.A.R.

2. Approval History

The subject site was granted Special Exception and Site Plan approval by Loxahatchee Groves (Resolutions 2015-09, 2017-66, and 2018-07 and Administrative Site Plan Amendment SP (A) 2020-01) to permit a Rescued Animal Care Facility, subject to conditions of approval. A

Among the principal use and design conditions of the approvals are the following:

1. Approval of a maximum of 65,804.5 sq. ft. of building and enclosed structure area; a floor-area-ratio not to exceed 0.041.
2. Veterinary services and dog boarding as accessory uses may be provided by a licensed veterinarian for adopted or previously adopted animals. Such services shall not be available to the general public.
3. The number of dogs allowed shall be based upon square footage of the facility and PBC Animal Control Center and Florida Fish and Wildlife Conservation Commission regulations; however, in no event, shall the number of dogs exceed the following maximums: puppies – 100; and adult dogs – 400.

3. Application Summary

The Applicant has requested a site plan amendment to address the changing needs of Big Dog Ranch after three years of operation. Proposed revisions will not increase the previously approved maximum development potential (65,804.5 sq. ft.) of the facility. The following is a summary of proposed changes:

1. The Caretaker House is being eliminated and replaced with a Staff Support/Meeting Building. The building will include space for staff meetings, employee lockers and an employee break/lunchroom consisting of a full kitchen (i.e. refrigerator, sink, dishwasher and stove) and two bathrooms (men and women).
2. The Maintenance Facility, Well Quarantine Building for Local Found Dogs, and the Physical Therapy Building are being increased in size; and
3. The Senior Sanctuary, Boarding Dog Housing, and Heartworm Recovery Cabins are being reduced in size.

The approved Site Plan is presented as Exhibit 1. The proposed Site Plan (SP (A) 2020-02) is presented as Exhibit 2. Approved Plan versus Proposed Plan uses and structure space allocations are summarized in Table 1.

Exhibit 1
Approved Site Plan

Exhibit 2
Proposed Site Plan

Table 1

Big Dog Ranch Approved Plan Versus Proposed Plan

Building	Building Sq. Ft.		Increase or Decrease in Sq. Ft.
	Approved Plan	Proposed Plan	
Veterinary Medical Building	4,000.0	4,000.0	0.0
Main Visitor Center	4,500.0	4,500.0	0.0
Puppy Land Support	168.0	168.0	0.0
Puppy Land Pods	1,680.0	1,680.0	0.0
Adoptable Dog Housing - Large	19,106.0	19,106.0	0.0
Staff Support and Meeting Building	0.0	3,395.0	3,395.0
Caretaker House	2,168.0	0.0	-2,168.0
Maintenance Facility	1,800.0	2,222.0	422.0
Intake Building	2,728.0	2728.0	0.0
Veteran Dog Training Center (aka Wiem World)	3,952.0	3952.0	0.0
Senior Sanctuary (Small Dog)	2,247.0	2247.0	0.0
Senior Sanctuary (Medium Dog)	2,200.0	2,000.0	-200.0
Senior Sanctuary (Large Dog)	1,320.0	1320.0	0.0
Education Center	9,450.0	9450.0	0.0
Boarding Dog Housing	7,998.0	6,581.5	-1,416.5
Heartworm Recovery Cabins	1,687.5	1,000.0	-687.5
Well Quarantine Building For Local Found Dogs	800.0	1,000.0	200.0
Physical Therapy	0.0	455.0	455.0
Totals	65,804.5	65,804.5	0.0

C. Submitted Support Documents

Item	Content
Resolutions 2015-09, 2017-66, and 2018-07 and Administrative Site Plan Amendment SP(A) 2020-01	Previous Site Plan and Conditions of Approval
Proposed Amended Site Plan and table of itemized changes	Proposed revised Site Plan and detailed description of proposed changes indicating no change in the approved square footage and F.A.R.
Justification Statement	Proposed Site Plan revisions are necessary to address changed facility needs.

Big Dog Ranch
 Site Plan Amendment SP (A) 2020-02
 July 16, 2020

D. Staff Finding and Recommendation

Proposed SP (A) 2020-02 does not increase the total approved building area or Floor-Area-Ratio and allows the facility to better address current facility needs.

Staff finds the proposed Site Plan Amendment SP (A) 2020-02 consistent with the Town's previous Site Plan Approvals (i.e. (Resolutions 2015-09, 2017-66, and 2018-07 and Administrative Site Plan Amendment SP (A) 2020-01).) and the general structural configuration of the site and recommends approval subject to the following conditions:

1. Conditions of Approval adopted by the Town Council in Resolution 2018-07 on December 4, 2018 and revised by Administrative Amendment SP(A) 2020-01 on April 7, 2020 remain in effect unless replaced or revised by conditions of approval presented herein.
2. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
3. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit 2 (Big Dog Ranch Final Site Plan). The approved Final Site Plan is dated March 21, 2020. All modifications to the Final Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
4. A Floodplain Development Application shall be filed with the Town prior to submittal of the initial building permit.

E. Planning and Zoning Board (PZB) Recommendation: To be determined

F. Town Council Action: To be determined

TO: Jamie Titcomb, Town Manager

FROM: Jim Fleischmann, Town Planning Consultant

RE: Proposed ULDC text amendments; Section 20-015 – Permitted Principal Uses (Agricultural Residential zoning district) and Section 80-075 *Outdoor Storage* (Conditional Use criteria).

DATE: July 9, 2020.

I. BACKGROUND INFORMATION

Per Section 05-070, the Town Council may amend the Unified Land Development Code (ULDC) for the purposes of public necessity, convenience, general welfare, or good planning and zoning practice. Any amendment to the ULDC requires approval of a super majority of the Town Council.

Steve Braswell, Agent for Brown Landholding, Inc., Contract Purchaser of 47.02 acres in Loxahatchee Groves consisting of five parcels of record, has filed an application proposing the amendment of ULDC Section 20-015 *Permitted Uses* (AR zoning district) and the addition of ULDC Section 80-075 *Open Storage* to Article 80 *Conditional Uses*.

If approved, the proposed amendment to ULDC Section 20-015 and addition of ULDC Section 80-075 will allow the Applicant to proceed with the following additional applications: (1) approval of a Special Exception and Conditional Use of an open storage use on the 47.02 acre parcel; and (2) site plan approval of an Open Storage development on the 47.02 acres.

II. GENERAL INFORMATION

A. APPLICANT: Mr. Braswell (Applicant), representing Brown Landholding, Inc., previous owner of an existing outdoor storage use located at 849 North Benoist Farms Road, West Palm Beach, has filed an application for the revision of ULDC Section 20-015 and the addition of ULDC Section 80-075.

B. PURPOSE: “Open Storage” is not a permitted use in any zoning district in Loxahatchee Groves. In order to apply for approval of an Open Storage facility, Applicant has requested that the Town approve the following permissive ULDC amendments:

1. Revision of ULDC Section 20-015 *Permitted Uses* in the AR District to include Open Storage as a permitted use subject to conditions and receiving approval by Special Exception; and

2. Addition of Section 80-075 *Open Storage* to ULDC Article 80 *Conditional Uses* to establish the conditions of approval and operation of the use.

III. REQUESTED ULDC TEXT AMENDMENTS

Applicant proposes to incorporate revisions to Section 20-015. *Permitted uses* and Article 80 *Conditional Uses* of the Town's ULDC. The proposed ULDC amendments are included in Attachment A. As proposed the amendments will: revise ULDC Section 20-015 to include open storage as a principal Conditional Use in the Town's Agricultural Residential (AR) zoning district subject to: (1) meeting the location criteria and operational standards of proposed Section 80-075 *Open Storage*; and (2) approval of the use by the Town Council through the Special Exception review and approval process.

IV. APPLICANT JUSTIFICATION

The proposed text amendments include the addition of open storage as a principal use in the Agricultural Residential (AR) zoning district subject to meeting specified conditions and approval by the Town Council.

The proposed ULDC amendments will allow an open storage use following a review and assessment by staff and the Planning and Zoning Board and review and approval by the Town Council.

The following paragraphs are summaries of Applicant responses to required review criteria in the Town's ULDC Text Amendment Application. Summaries of Applicant responses and staff comments are presented in the paragraphs that follow:

A. REASON AND/OR NEED FOR THE PROPOSED TEXT CHANGE:

Summary of Applicant's Response:

The primary reason to allow open storage as a principal use is recognition of the need to store agricultural and ag-related vehicles, machinery and equipment on property other than residential. In addition, the proposed use will create a storage alternative for residents and local businesses in the AR district. The proposed open storage use will increase the Town's tax base and have minimal impact upon public services.

At present, "outdoor" storage is allowed in the AR district as a use which is incidental to the principal use of the property. As a principal use "open" storage will be centralized, managed, and regulated in accordance with ULDC standards and differentiated from "outdoor" storage

The proposed use will create an open storage alternative for residents and businesses in areas that are intended for residential and agriculture uses thus alleviating potential code enforcement issues.

Staff Comment:

The proposed ULDC text amendments will allow Town Council to consider open storage principal uses in the AR District. The Applicant states that the amendments will address a need for agricultural and ag-related vehicle, machinery and equipment storage other than the limited outdoor storage incidental use which is currently permitted by the ULDC.

In addition to addressing the above principal need, the Applicant states that the proposed use can provide residents and businesses with permitted open storage areas to avoid potential code violations. Town issues which can be addressed by providing permitted open storage areas include (1) small non-conforming businesses that store equipment and vehicles for services performed off-site; (2) seasonal equestrian transports and recreational vehicles; and (3) commercial or recreational vehicles in excess of limits permitted by the ULDC.

It is recommended that language be added to ULDC Section 80-075 to require that an entire open storage use shall not be occupied by a single entity; rather a portion of a storage area shall be reserved to address Town open storage issues discussed above. Further industrial activities including manufacturing, assembly, and processing should not be allowed within an open storage facility.

B. REASON THE PRESENT TEXT IS INVALID OR INAPPROPRIATE:

Summary of Applicant's Response:

An assessment of this criterion is not necessary, since the present ULDC text does not address the open storage use.

Staff Comment:

Staff is in agreement. There is no present text in the ULDC addressing open storage as a principal use. However, outdoor storage as a use incidental to a principal use in the AR District is addressed in ULDC Section 20-010 (G) *Outdoor Storage*. Subsection (G) (1) *generally* states: (1) "All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in Section 20-015, Permitted uses." (NOTE: Outdoor storage is not explicitly permitted in Section 20-015 – AR District permitted uses). Staff interprets the term "incidental" outdoor storage to mean outdoor storage likely to be used on-site in conjunction with the principal use of a property.

C. HOW DOES THE PROPOSED TEXT AMENDMENT FURTHER THE PURPOSES OF THE COMPREHENSIVE PLAN OR OTHER TOWN CODES, REGULATIONS OR PLANS DESIGNED TO IMPLEMENT THE COMPREHENSIVE PLAN:

Summary of Applicant's Response:

Proposed ULDC Section 80-075 *Open Storage* is consistent with the following: Future Land Use Element Goal 1, Objective 1.1.B, and Policies 1.1B.3, 1.1B.6 and 1.1B.9.

Goal 1: Loxahatchee Groves will continue to protect its natural environment and rural character in the midst of an urbanizing region. The Town will continue to be a rural residential and agricultural community that has a great respect for lifestyle choices balanced with historical community needs.

1.1. B. Objective: the Town shall designate future land uses with appropriate uses, densities and intensities that will protect residential and agricultural land uses and encourage limited economic growth.

1.1.B.3 The Town shall ensure that future land use designations are compatible with adjacent land uses within and outside of the Town boundary.

1.1B.6 The Town shall encourage the use of innovative land development regulations that enhance the rural atmosphere, reduce energy usage, reduce greenhouse gas emissions. .

1.1B.9 Define accessory uses while recognizing the protections provided in the Right to Farm Act and minimize adverse impacts on neighboring properties including the use of Best Management Practices where available.

The proposed addition of Section 80-075 is consistent with Goal 1 and Objective 1.1.B by establishing an appropriate use in a suitable area of the Town that will protect the natural environment and rural character by providing residential and agricultural land uses a needed alternative to non-compliant open storage activities in the AR District while encouraging limited economic development.

The text amendment permits a use that is currently allowed as an accessory use and expands it as a principal use under stated conditions that ensure compatibility with the surrounding area.

Staff Comment:

Currently, ULDC Section 20-010(G) (1) allows outdoor storage as an “incidental” use to a permitted principal use, or explicitly permitted in Section 20-015 *Permitted Uses* in the AR District. Applicant equates an incidental use to an accessory use which is defined in the ULDC as:

“. . . a use naturally and customarily incidental, subordinate, and subservient to the principal use of the premises, and located on the same plot as the principal use. The area of an accessory use shall be subordinate to that of the principal use”.

Open storage is not explicitly permitted in ULDC Section 20-015 as either a principal or accessory use. Outdoor storage, an incidental use, is permitted in the AR District per ULDC Section 20-010(G). However, Section 20-010(G) and the inclusive definition of accessory use are not adequate justification to include open storage, as defined in proposed ULDC Section 80-075 (Ref: Attachment A), as a permitted principal use. Specific goals, objectives and policies and/or Town issues and concerns should be referenced as the basis to support the proposal and conclude consistency with the Comprehensive Plan.

The Applicant has made a case that an open storage principal use is consistent with Future Land Use Element Goal 1 and Objective 1.1.B. by providing a legal open storage use that will protect rural character of the Town.

D. IS THERE AN ERROR OR AMBIGUITY TO BE CORECTED?

Summary of Applicant’s Response:

Outdoor storage is a non-specified use allowed in the Town as incidental to the principal use of a property in the AR District. The proposed amendment, creation of ULDC Section 80-075 *Open storage*, will eliminate any perceived ambiguity between the existing incidental use (outdoor storage) and the proposed principal use (open storage) as well as create location and operation standards for the use. The Town will benefit from the open storage addition by defining and codifying the use which will create opportunities for owners to seek a compliant storage alternative.

Staff Comment:

ULDC Section 20-010(G) *Outdoor storage* regulates, but does not define the use. Specifically, it regulates the storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials when incidental to the principal permitted use on a property.

Applicant's proposal can insure that there are no ambiguities created between outdoor storage, per ULDC Section 20-010(G) and proposed ULDC Section 80-075 *Open storage*.

V. STAFF FINDINGS:

The Applicant has proposed revisions to Section 20-015. *Permitted uses* and Article 80 *Conditional Uses* of the Town's ULDC. The proposed ULDC amendments are included in Attachment A. The amendments will revise ULDC Section 20-015 to include open storage as a principal use in the Town's Agricultural Residential (AR) zoning district subject to: (1) meeting the location criteria and operational requirements of proposed Section 80-075 *Open Storage*; and (2) approval by the Town Council via the Special Exception review process.

Subject to approval of the proposed ULDC amendments, the Applicant has filed two additional applications: (1) approval of an Open Storage Conditional Use designation on a 47.02 acre parcel; and (2) site plan approval of an Outdoor Storage use on the 47.02 acres.

The Town's ULDC currently contains limited opportunities for open storage in the Agricultural Residential (AR) district, as follows:

1. ULDC Section 20-010(G)(1) allows outdoor storage as an "incidental" use to a permitted principal use, or explicitly permitted in Section 20-015 *Permitted Uses* in the AR District (NOTE: It is not a permitted principal use in the AR District). Incidental use is interpreted to mean a use that supports the principal use of a property (e.g. residential or agriculture). An outdoor storage use is not meant to be used for storage of vehicles and equipment used off-site.

2. ULDC Section 20-010 (D) allows one construction trailer to be placed on a plot for a period of time not to exceed one year during active construction of a permanent dwelling to serve as temporary living quarters for the owners of the home under construction.

3. ULDC Section 20-010 (G (3) (b) allows equestrian transports to be placed on a plot provided that the number of vehicles does not exceed the number of stables or horses kept on the property. This is interpreted to mean that a property with no stables or horses kept on the property cannot be used for the storage of equestrian transports.

4. ULDC Section 20-010 (G (3)(e) allows a maximum of two commercial or recreational vehicles to be stored on a plot provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property.

5. ULDC Sections 80-015(A) *Home Office* and 80-020 *Residential Enterprise* allow outdoor storage and commercial vehicles subject to meeting the requirements of ULDC Section 20-010(G). (NOTE: There have been no Home Office or Residential Enterprise uses approved by the Town).

The Applicant has made a distinction between “outdoor storage” which is incidental or subordinate to the principal use of the property and “open storage” which is the principal use of a property.

In the AR zoning district, there is a limited number of principal uses, including: single-family dwelling, agriculture, modular or factory built home, essential services, and wireless communication tower. In addition, commercial vehicles are allowed in conjunction with Home Office and Residential Enterprise accessory uses subject to ULDC Section 20-010(G). To be allowed in the AR District, an outdoor storage use, including commercial vehicles, must be incidental and subordinate to one or more of the permitted principal or specified accessory uses.

The Applicant has stated that the primary reason to allow open storage as a principal use is to accommodate storage demand for: (1) agricultural and ag-related vehicles, machinery and equipment; and (2) storage facilities for individuals and businesses that provide services to off-site customers.

Staff finds that the required review criteria in the Town’s ULDC Text Amendment Application have been adequately addressed by the Applicant. Further, the proposed use, assuming the conditions for location and operation, per proposed ULDC Section 80-075. *Outdoor Storage* can provide open storage facilities that are consistent with the overall character of the Town.

Based upon its review of the ULDC amendments, Staff has proposed revisions to insure consistency with the character of the Town. Staff revisions, highlighted in yellow, are incorporated within the Applicant’s proposal in Attachment A.

VI. STAFF RECOMMENDATION: Staff recommends approval of ZTA 2020-01, subject to staff revisions, as presented in Attachment A.

VII. PLANNING AND ZONING BOARD ACTION: To be determined:

VIII. TOWN COUNCIL ACTION: To be determined

ATTACHMENT A
ZTA 2020-01 Applicant's Proposal
(Underlined text is proposed by Applicant.)
(Highlights are additions or revisions proposed by staff)

Section 20-015. Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Section 20-015: Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Modular Home or Factory-Built Home	Permitted subject to Section 80-65
Essential Services	Permitted w/special exception
Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception Category A
<u>Open Storage</u>	<u>Permitted w/Special Exception Category A subject to Section 80-75</u>

Section 80-075. Outdoor Storage.

Open storage is defined as the on-site storage of personal or commercial vehicles, trailers, and equipment for use or performance of services off-site, outdoors as a principal use. Typical uses stored items include trucks, trailers, flatbeds, farm implements, construction equipment, equestrian transports, and recreational vehicles and boats, and moving truck or trailer rental.

Permits for open storage in the AR Zoning District shall be subject to the following limitations:

- a) An open storage facility shall not include the following industrial uses: manufacturing, assembly, or processing of products.
- b) An open storage facility shall not be limited to providing storage for a single business. Storage space, to be determined at the time of site plan approval, shall be allocated for local individuals or businesses.

- c) Minimum lot size: 20 acres.
- d) Minimum dimensional requirements. No open storage shall be permitted on properties with an average width of less than 500 linear feet.
- e) Access. Access to an open storage facility shall be from a **Principal Arterial or Service Level 2** public right-of-way only.
- f) Location **criteria**. Open storage facilities shall be located south of Collecting Canal Road only.
- g) Setbacks. All open storage areas shall be **setback a minimum of 100 feet from the southern boundary of the LGWCD Collecting Canal and** screened from view.
- h) Open storage **height**. Stored equipment shall not exceed 30 feet in height.
- i) Outdoor lighting. Outdoor lighting shall not exceed 25 feet in height. All outdoor lighting shall be LED, shielded on five sides, directed down and away from adjacent properties, and for security purposes only.
- j) **Signage. One monument sign shall be allowed to comply with ULDC Article 90-040(B).**
- k) **Security. 24-hour security shall be provided on-site at all times. A lock box which allows access by the Palm Beach County Sheriff and Fire Rescue during off hours shall be provided at the main entrance.**
- l) **No permanent or temporary live-ins shall be allowed in stored vehicles or equipment of any kind.**
- m) **An open storage facility shall include the requirement for a pollutant spillage management plan as a condition of site plan approval.**
- n) Exceptions. These regulations shall not apply to outdoor storage allowed as an **accessory incidental** use on residential property.

TO: Jamie Titcomb, Town Manager

FROM: Jim Fleischmann, Town Planning Consultant

RE: Proposed Special Exception (SE 2020-01) to approve an Open Storage Conditional Use and Site Plan on a 47.02 acre parcel of land located at the southeast corner of “C” Road and Collecting Canal.

DATE: July 9, 2020.

I. BACKGROUND INFORMATION

Steve Braswell, Agent for Brown Landholding, Inc., Contract Purchaser of 47.02 acres (Subject Site) in Loxahatchee Groves consisting of five parcels of record, has filed applications for: (1) approval of an Open Storage Conditional Use on said 47.02 acre property; and (2) site plan approval of an Open Storage facility on said property.

Open Storage” is not currently a permitted use in the AR zoning district. In order to apply for approval of an Open Storage use, Applicant has requested that the Town Council approve the following permissive ULDC amendments:

1. Revision of ULDC Section 20-015 *Permitted Uses* in the AR District to include Open Storage as a permitted use subject to conditions and approval by Special Exception; and
2. Addition of Section 80-075 *Open Storage* to ULDC Article 80 *Conditional Uses* to establish the conditions of approval and operation of the use.

If approved, the proposed amendment to ULDC Section 20-015 and addition of ULDC Section 80-075 will allow the Applicant to proceed with the applications for assignment of an Open Storage Conditional Use and Site Plan approval on the 47.02 acre parcel.

II. GENERAL INFORMATION

A. APPLICANT: Steve Braswell (Applicant), representing Brown Landholding, Inc., previous owner of an existing outdoor storage use located at 849 North Benoist Farms Road, West Palm Beach.

B. PURPOSE: Applicant has filed applications for Special Exception approval of an Open Storage Conditional Use and site plan on 47.02 acres consisting of three lots, four water management tracts, and a preservation area (i.e. Conservation Easement recorded in ORB 11092 Page 526) within the Loxahatchee Farms West Plat (Ref: Map 1). The combined properties are located in the Agricultural Residential (AR) zoning district at the southeast corner of Collecting Canal and "C" Road, illustrated on Map 2. "C" Road does not extend north of Collecting Canal.

C. DESCRIPTION OF THE PROPOSED OPEN STORAGE USE

An Illustrative site plan is presented on Exhibit 1. The principal open storage occupant (Applicant's business) will use a designated portion of the facility primarily for the storage of trucks, trailers, and heavy equipment related to serving the agricultural industry. Typical stored items include box trucks, container trucks, flatbeds, and a variety of specialty vehicles and equipment.

Items potentially stored in other areas of the facility include recreational vehicles, equestrian transports, boats, and other types of individual and business vehicles and equipment requiring open storage space in a location approved by the Town.

The open storage component of the site plan includes two phases. The first phase encompasses the northern and western portions of the property and includes the 4.6 acre Conservation Easement and a 100-foot buffer including an equestrian trail along Collecting Canal. The second phase, which includes the southeast portion of the property, will become operational as demand for open storage space dictates. The open storage surface area is proposed to consist of crushed rock drive aisles and bare earth/grass parking areas.

Three wetland areas have been identified and will be preserved onsite. One is located in the preserve area and the other two will be used as landscape islands within the storage area and maintained as project amenities.

MAP 1

MAP 2

EXHIBIT 1

The storage areas are setback on all four sides by significant landscape buffers and the preserve area. A proposed 100-foot buffer, including a 12 foot x 15 foot equestrian trail runs the entire width of the property along the south side of Collecting Canal. Additional buffers include: one-hundred feet along the east property line adjacent to the residential use; a minimum 50-feet along the remainder of the east property line; and a minimum 40-feet along the south property line. The west property line is screened from "C" Road by the existing water management tracts and a 15-foot right-of-way buffer.

The buffers include preservation of all existing native materials, which will be supplemented to create a continuous native buffer a minimum of six feet in height on all four sides. In addition, chain link fencing with black vinyl slats will be used to screen the storage areas from view on all sides.

Access to the site is controlled by a dedicated one-way entrance and exit into a paved area prior to entry into secured storage areas. Twenty-four hour security will be provided on-site at the entrance to the facility. Security lighting will be limited to ensure compliance with the Town's dark-sky objectives.

The site plan includes a single 5,000 sq. ft. multipurpose building consisting of 2,000 sq. ft. of office space and two 1,500 sq. ft. maintenance bays. The building is setback approximately 120 feet from "C" Road and separated from the dead-end road by a series of landscape buffers, planting areas, street right-of-way and water management tracts. Proposed water and sewer service is well and septic tank.

III. APPLICANT JUSTIFICATIONS

Special Exception is the required vehicle for the approval of an Open Storage Conditional Use per proposed revisions to ULDC Section 20-015. A proposed open storage use must, therefore: (1) demonstrate compliance with the limitations and requirements of proposed ULDC Section 80-075; and (2) prepare responses to required review criteria in ULDC Sections 170-025(A)(1) – (A)(10) *Special Exception Use Review Standards*.

The following paragraphs are summaries of Applicant responses the conditional use limitations and requirements in proposed ULDC Section 80-075 *Open Storage* and required Special Exception review criteria in ULDC Sections 170-025(A)(1) – (A)(10). Staff findings are presented in Section V

A. CONDITIONAL USE LIMITATIONS AND REQUIREMENTS:

The following are Applicant responses to the requirements of proposed ULDC Section 80-075 *Open Storage*:

1. An open storage facility shall not include the following industrial uses: manufacturing, assembly, or processing of products.

Applicant's Response: Meets requirement. The applicant does not manufacture, assemble, or process products as part of his business plan and will not conduct those uses on the site.

2. An open storage facility shall not be limited to providing storage for a single business tenant. Storage space, to be determined at the time of site plan approval shall be allocated for local individuals or businesses.

Applicant's Response: Meets requirement. The applicant has agreed to allocate space for local residents and businesses within the facility for open storage. The location is not specified on the plan and will be determined on a demand basis.

3. Minimum lot size: 20 acres.

Applicant's Response: Meets requirement. 47.02 acres provided.

4. Minimum dimensional requirements. No open storage shall be permitted on properties with an average width of less than 500 linear feet.

Applicant's Response: Meets requirement. Average width and depth of property exceed 500 feet.

5. Access. Access to an open storage facility shall be from a Principal Arterial or Service Level 2 public right-of-way only.

Applicant's Response: Meets requirement. Access is from "C" Road, which is a public right-of-way.

6. Location. Open storage facilities shall be located south of Collecting Canal Road only.

Applicant's Response: Meets requirement. Subject property is located south of Collecting Canal Road.

7. Setbacks. All open storage areas shall be setback a minimum of 100 feet from the southern boundary of the LGWCD Collecting Canal and screened from view.

Applicant's Response: Meets requirement. A 100-foot buffer is provided; all storage areas will be screened from view.

8. Open storage height. Stored equipment shall not exceed 30 feet in height.

Applicant's Response: Meets requirement. Storage will not exceed 30 feet in height.

9. Outdoor lighting. Outdoor lighting shall not exceed 25 feet in height. All outdoor lighting shall be LED, shielded on five sides, directed down and away from adjacent properties, and for security purposes only.

Applicant's Response: Meets requirement. Outdoor lighting will not exceed 25 feet in height. All lighting will be LED, shielded, directed down and away from adjacent properties, and for security purposes only.

10. Signage. One monument sign shall be allowed to comply with ULDC Article 90-040(B).

Applicant's Response: Meets requirement. Only one free-standing identification sign is proposed on the site, located on C Road, which will comply with ULDC Article 90-040(B).

11. Security. 24-hour security shall be provided on-site at all times. A lock box which allows access by the Palm Beach County Sheriff and Fire Rescue shall be provided at the main entrance.

Applicant's Response: Meets requirement. 24-hour security will be provided at all times and a PBSO accessible lock box will be provided at the main entrance along with security contact information.

12. No permanent or temporary live-ins shall be allowed in stored vehicles or equipment of any kind.

Applicant's Response: Meets requirement. The applicant will not permit, or tolerate, any-type of permanent or temporary accommodations on the site at any time, other than for security purposes.

13. An open storage facility shall include the requirement for a hazardous waste and spillage management plan as a condition of site plan approval.

Applicant's Response: Meets requirement. The applicant will provide the town a hazardous waste and spillage management plan as a condition of site plan approval.

14. Exceptions. These regulations shall not apply to outdoor storage allowed as an incidental use on residential property.

Applicant's Response: Not applicable.

B. SITE PLAN APPLICATION REQUIREMENTS:

The following are Applicant responses, including staff comments, to the submittal requirements of the Site Plan Approval Application:

1. Description of the Project and Site Plan:

Applicant's description of the proposed open storage use is presented in Section II.C., above. Site plan detail is presented on Exhibit 2. A summary of the land use components of the proposed open storage facility is presented in Table 1.

2. Traffic Study and Palm Beach County TPS Approval Letter and Statement of Access.

A Traffic Statement was prepared by the Applicant's Traffic Engineer in compliance with the Palm Beach County Traffic Performance Standards (TPS). The project will be served by a full access driveway connection to C Road.

EXHIBIT 2
PROPOSED SITE PLAN DETAIL

TABLE 1 OPEN STORAGE LAND USE COMPONENTS

Component	Acres	Percent
Phase IA Storage*	9.01	19.16%
Phase IB Storage*	8.72	18.55%
Phase II Storage	11.57	24.61%
Office/Service Area	0.88	1.87%
Water Management/Access	2.71	5.76%
Wetlands 1 and 2**	2.55	5.42%
Preserve and Wetland 3	4.67	9.93%
Buffers and Easements	6.91	14.70%
Total	47.019	100.00%

* - Excludes Wetlands and Office/Storage Area

** Include 25' buffers

Brown Landholding will be developed in two phases; Phase 1 (17.73 acres) – shell rock drive aisles and grassed parking to store trailers and agricultural equipment, and Phase 2 (11.57 acres) – shell rock drive aisles and grassed parking to store trailers and agricultural equipment, recreational vehicles, equestrian transports, boats, and other individual and business vehicles and equipment..

The Palm Beach County Traffic Division determined that the proposed development and shell rock parking lot, being insignificant on the roadway network, meets the TPS of Palm Beach County, subject to the following conditions:

1. No building permits for the project shall be issued after December 31, 2021.
2. The Property Owner shall construct a right turn lane east approach on Southern Boulevard at C Road based upon FDOT standards and/or approved by the County Engineer.
 - a. Permits required from FDOT for these constructions shall be obtained prior to the issuance of any building permit.

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

A Pre-Application Letter was issued on December 9, 2019 by the Florida Department of Transportation District 4 approving site access through the existing C Road/Southern Boulevard intersection subject to the following condition of approval:

“A westbound right turn lane at intersection of SR 80 at “C” Road is required and shall meet FDOT’s Standard Plan Index and shall provide a buffered bicycle lane. If the standard right turn lane requirement is not met, a Design Variation may be required to be submitted during permit review.”

Simmons and White, Town Consulting Traffic Engineer, reviewed the Applicant’s Traffic Statement. Based upon its review, Simmons and White determined that the proposed site meets Town traffic requirements.

3. Drainage and Floodplain Development Statement:

The drainage system for the proposed “Brown Outdoor Storage C Road Project” will consist of existing dry detention areas and will have legal positive outfall to Collecting Canal. The project is within the C-51 Canal Basin and the site will comply with the C-51 Basin requirements. An existing control structure will regulate discharge into Collecting Canal in order to comply with discharge for the 10-year, 3-day event which meets Palm Beach County and SFWMD requirements.

The site is within the FEMA Flood Zone AE with a stated elevation of 17.60 NAVD. Minimum floor elevation of the maintenance building will be set at, or above 18.60 NAVD to allow for one foot of freeboard above the FEMA elevation. A Town Floodplain Development Application (FDA) was included in the Application and will be submitted for approval prior to any site work.

Keshavarz and Associates, Town Consulting Engineer had several comments related to engineering plans (i.e. Paving and Drainage that were submitted by the Applicant.

Keshavarz comments resulted in the following revisions to the engineering plans and the site plan:

1. Keshavarz comment: Road and berm elevations need to be designed to meet Town Code. Applicant's response: Elevations have been revised.

2. Keshavarz comment: There is an access road in the southwest corner of the property to two other properties. Is there sufficient width to provide the required landscape buffer and maintain the road location to access these properties? Is there an access easement or other easements within this portion of the property? Applicant's response: 20' landscape buffer in addition to the existing 20' preservation access easement have been added.

3. Keshavarz comment: What measures are being taken to ensure proper hydration of wetlands and water quality treatment prior to discharge into these wetlands? What requirements, if any, are there for an upland buffer surrounding the wetlands? Applicant's response: Buffers have been added around the wetlands.

4. Keshavarz comment: Is there sufficient water quality treatment and storage provided by the existing detention areas given that the site is to be cleared and paved with compacted semi-impervious gravel? Staff response: A condition of approval will be included requiring the storage areas to consist of compacted semi-pervious gravel within the "drive aisles" and crushed gravel, stabilized subgrade or stabilized grass in the parking areas. Keshavarz recommendation: "bare earth/grass" should not be used for outdoor storage; adjust surface water managements system and calculations to account for the added impervious area.

5. Keshavarz comment: What precautions are you providing in your design to provide for water quality given the nature of this equipment to drip and discharge oil, lubricants, and other possible pollutants onto the site? Applicant's response: Dedicated maintenance personnel will walk the site daily to determine if any equipment is leaking. If leaks are found, the personnel will remove any contaminated soils and dispose of those soils in designated disposal containers.

A majority of the storage area will be used by trailers only which will not present any oil/lubricant leak concern. Keshavarz recommendation: Provide protocols for engineered best management practices for treatment of oil and contaminant materials from mechanical equipment. Staff response: A condition of approval will be included to provide a list of best management practices for treatment of oil and contaminant materials from mechanical equipment.

6. Keshavarz comment: Describe how water and sewer service and fire protection are to be provided. Applicant's response: A domestic water well and septic tank/drain field are proposed for potable water and sanitary sewer service. A dry fire hydrant, to be coordinated with PBC Fire Rescue, with a pump connection to Collecting Canal is proposed for fire prevention. Keshavarz recommendation: PBC Fire Rescue approval will be required prior to release of Town infrastructure permit – Note – it is our understanding that PBC Fire Rescue no longer permits dry fire hydrants.

7. Keshavarz comment: Prior to clearing or infrastructure permits to be issued by the Town, a SFWMD and/or USACE wetland determination and environmental resource permit (ERP) must be obtained for the proposed facility. Staff response: A condition of approval will be included to require these permits, as determined by SFWMD and or USACOE.

8. Keshavarz comment: A portion of the site is being cleared to create storage for equipment, trailers and vehicles. Therefore, the water quality treatment and storage calculations must reflect this use and the storage surface characteristics, including compaction. In addition, floodplain compensation storage calculations must depict both the pre and post developed site conditions.

4. Natural Features Inventory and Map:

An environmental response was prepared by EW Consultants. The property is currently undeveloped, partially forested, and is used for grazing of livestock. The following is a summary of their findings:

A 2.5 acre surface water management system has been constructed along the western site boundary on the east side of "C" Road. A General Permit (50-04431-P) was issued by SFWMD for this project to serve as a dry detention area for the property.

The property currently consists of upland areas primarily used as pasture and three small isolated wetland areas. The uplands and wetlands are not in pristine condition due to years of agricultural influence and encroachment of exotic and nuisance vegetative species. The upland is not intact and does not qualify for native habitat preservation. There are, however, native trees that should be evaluated for preservation, relocation or mitigation during site preparation.

The wetlands will require review by SFWMD and Corps of Engineers for determinations of whether or not permits are required.

Several gopher tortoises, species listed as threatened by the State, and their burrows were observed on-site. A full survey should be completed to determine the size and location of the gopher tortoise population prior to any site work.

If impacts cannot be avoided, a permit should be obtained from the Florida Fish and Wildlife Conservation Commission (FFWCC) to relocate the tortoises to an on or off-site recipient area.

Vegetation is comprised of a variety of native and exotic species. Native canopy species include slash pine, laurel oak, cabbage palm, and bald and pond cypress. Two listed plant species (Common Wild Pine and Reflexed Wild Pine) were also observed on the property. Listed species are regulated by the Florida Department of Agriculture and Consumer Services (FDACS). The Applicant has the ability to remove or relocate the native species subject to receipt of a Vegetation Removal Permit from the Town.

5. Infrastructure Service Provider Letters:

The Applicant proposes water and sewer service to be provided by well and septic tank. Therefore, a letter from Palm Beach County Water Utilities Department is not required. However, since the project site is less than ¼ mile from the nearest sanitary sewer facility; the applicant will need to confirm that they are not required to connect to sewer based on FS § 381.0065.

Approval of the well and septic tank by the Palm Beach County Health Department and SFWMD is required.

A letter was received from Palm Beach County Fire Rescue (PBCFR). The property is served by Fire-Rescue Station #21 located on Okeechobee Boulevard. Response time is estimated at 9 minutes, while the average is 7:50. PBCFR recommended that the entry and exit driveways be a minimum of 20-feet wide each and a lock box which allows access by the Palm Beach County Sheriff and Fire Rescue shall be provided at the main entrance.

Keshavarz and Associates, Town Consulting Engineer had the following comments related to engineering plans (i.e. Water and Sewer that were submitted by the Applicant.

1. Keshavarz recommendation: Describe how water and sewer service and fire protection are to be provided. Applicant's response: A domestic water well and septic tank/drain field are proposed. A dry fire hydrant, to be coordinated with PBC Fire Rescue, with a pump connection to Collecting Canal is proposed for fire prevention.

2. Keshavarz recommendation: Require Palm Beach County Fire Rescue (PBCFR) approval of the proposed dry fire hydrant with a connection to Collecting Canal prior to the release of the Town infrastructure permit. Staff response: A condition of approval will be included requiring PBCFR approval of the dry fire hydrant prior to approval of the Town infrastructure permit.

6. Site Plan:

The Applicant's proposed site plan is summarized in Section II.C and p Exhibit 2. Use details are presented in Table 1. A review of site characteristics in terms of code requirements is presented in Table 2.

7. Engineering Plans:

Applicant submitted Paving and Drainage and Water and Sewer Plans. The plans were reviewed on a preliminary basis by the Keshavarz and Associates, Town Consulting Engineer. Engineer comments and Applicant's and staff responses are presented in Section III.B.3

Additional engineering plans will be submitted by Applicant and reviewed by Keshavarz and Associates and Town staff as part of the Land Development Approval process following site plan approval.

TABLE 2 COMPLIANCE WITH DEVELOPMENT STANDARDS

Regulation	Standard	Property Complies?
Minimum lot size	20 acres - ULDC Section 88-075	Yes – 47.02 acres
Frontage and Access	ULDC Section 100-35: legal access from a publically dedicated street	Yes – Proposed access to “C” Road (Service Level 2)
Minimum frontage/width	200 feet	Yes – ft. on C Road.
Minimum depth	200 feet	Yes - 560 feet from C Road
Maximum Floor-Area-Ratio	0.15	Yes (Phases 1, 2 and 3 (portion) 5,000 sq. ft. on 47.02 acres = 0.0024 F.A.R.
Maximum building and roofed structures lot coverage	15%	Yes – 0.24% (Same as F.A.R.)
Front setback	50 feet	Yes – 188 feet
Side setback	25 feet	Yes – 275 feet
Side street setback	80 feet	N/A
Rear setback	25 feet	Yes – 1,321 feet
Minimum pervious area	70%	Yes – 95%
Maximum building height	35 feet	Yes – 25 feet

8. Master Signage Plan:

Applicant submitted a Master Sign Plan identifying one monument sign at the project’s entrance and interior directional signs, as necessary. The monument sign shall comply with ULDC Section 90-040(B).

9. Landscape Plans:

Applicant submitted a landscape plan consisting of the following components:

- North property line: 100-foot landscaped buffer including a 20-foot canal easement, 20-foot landscaped easement, 12-foot equestrian trail, and 45-feet of existing native vegetation supplemented where necessary by removed native trees. A 6-foot chain link fence will be placed along the interior of the buffer.
- North 350 feet of the east property line: 100-foot landscaped buffer. Existing native vegetation supplemented where necessary by removed native trees. A 6-foot chain link fence will be placed along the interior of the buffer.
- Balance of east property line to the Preserve Area: 50-foot landscaped buffer. Existing native vegetation supplemented where necessary by removed native trees. A 6-foot chain link fence will be placed along the interior of the buffer.
- South property line from the Preserve Area to the Water Management Tract on C Road: 40-foot landscaped buffer (20-foot landscape easement and 20-foot preservation/access easement). Existing native vegetation supplemented where necessary by removed native trees and palms. A 6-foot chain link fence will be placed along the interior of the buffer.
- West property line: 10--foot vehicular use area buffer with one canopy tree each 30-feet. A 6-foot chain link fence will be placed along the interior of the buffer.

In addition to the perimeter buffers, the two interior wetlands and the Preserve Area, which contains a third wetland, will be preserved. The two wetlands outside of the Preserve Area will contain a 25-foot perimeter preserve area with a protective guard rail.

The Landscape plan contains planting details for the buffer areas.

10. Parking Facility Lighting Plan:

Applicant submitted a Parking Facility and Street Lighting Plan. The plan consists of pole mounted and building mounted/security lighting fixtures.

Pole mounted fixtures will be located 100 feet from the north property line and 50 feet from the south, east and west property lines. Maximum height will not exceed 25 feet. Fixtures will be LED box-mounted lights with light directed downward onto the subject property. Specific locations are to be determined at the time of permitting and can be accomplished by an administrative site plan amendment.

Building mounted and other security lighting will be mounted at no higher than 20 feet above ground. Lights will be LED box-mounted with light directed downward onto the subject property. Lighting will be motion detection only between 11:00 p.m. and 7:00 a.m. nightly.

Applicant submitted a photometric plan assuming lighting fixture locations. Should actual lighting fixture locations differ from those assumed, the photometric plan shall be administratively revised at the time of permitting.

11. Compatibility Mitigation Measures:

Identify specific mitigation measures to address potential impacts, including the effects of excessive noise, objectionable odors, visible emissions, particulate matter (e.g. dust, smoke, soot, and aerosols), solid wastes, hazardous wastes, fire and explosion.

A 100-foot buffer has been provided along the north property line. In addition, a minimum 40-foot buffer has been provided along the south and east property lines, adjacent to transitional uses.

Along the frontage on C Road, landscape buffers have been provided on both sides of the existing water management tracts. In addition, the proposed office/maintenance building is setback over 100 feet from C Road.

The proposed storage area has been centrally located on the site in two phases. Access will be controlled through gated points of entry and exit and 24-hour security will be provided. In addition, all outdoor lighting will be limited in scope, LED, shielded, and directed down and away from adjacent properties.

C. SPECIAL EXCEPTION USE REVIEW STANDARDS:

The following are Applicant responses to the requirements of ULDC Sections 170-025(A) (1) – (A) (10) *Special Exception Use Review Standards*.

1. That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area and to the zoning district where it is to be located.

Applicant Response: The proposed use will not have a negative effect on land values in the area. The proposed use requires a limited number of employees on a daily basis.

In addition, trailers and equipment stored on the site are stationary most of the time.

Vehicular movement around the site is coordinated from the office at the main entrance where drivers are required to enter and exit the site from a secured area.

The site is located on the east side of C Road, north of Southern Boulevard (SR 80), which terminates south of the Collecting Canal right-of-way. Access to and from the site, therefore, is directly to Southern Boulevard from C Road and will not have an adverse impact on contiguous uses, the surrounding area, or the zoning district where it is located.

2. That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.

Applicant Response: The proposed use is compatible with existing uses on contiguous properties, in the surrounding area, and in the AR zoning district, which consist primarily of agriculture related and other non-residential uses. The area south of Collecting Canal, between C Road and D Road, is populated with fewer than twenty residences. In addition, uses south of Tangerine Drive along Southern Boulevard are transitioning to commercial and other nonresidential uses.

To the east is a cellular tower (monopole) and property associated with British Feed and Supplies, LLC, and to the west is a future commercial and institutional development. The scale and orientation of the proposed structure on the site is very low (0.003 FAR) and will have no adverse impact on the area. It is also important to note that the proposed use will provide storage opportunities for Town residents and property owners.

3. That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities

Applicant Response: A 100' landscape buffer is proposed along the north property line, adjacent to the Collecting Canal 60' right-of-way, and along the east property line abutting an existing residential property. A minimum 50' buffer is provided along the remainder of the east property line, which is adjacent to property owned and operated by British Feed and Supplies, LLC. A minimum 40' buffer has been provided along the south property line, adjacent to transitional uses. The front of the property is screened from C Road by existing water management tracts and a 15' right-of-way buffer. In addition, the office and maintenance building is setback over 100' from C Road to buffer adjacent uses from potential incompatibilities.

In addition to the 4.65 acre preserve area the applicant has voluntarily agreed to set-aside, all mature native vegetation and understory in the landscape buffers will be preserved.

The landscape buffers will be supplemented with approximately 590 native trees and palms relocated from other areas of the site. Security screening will be provided to create a continuous screen around the site to buffer adjacent uses from potential incompatibilities.

4. That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

Applicant Response: The site plan provides 16 parking spaces and a loading zone in the office and maintenance area, which is sufficient to accommodate the proposed use. Vehicles will enter the site from “C” Road at a secured one-way entrance and leave the site at a separate one-way exit. Vehicles will enter from, and exit to Southern Boulevard.

5. That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.

Applicant Response: The proposed use incorporates best management practices (BMPs) regarding the supervision and coordination of tenants and equipment on the site. Equipment is inspected on a daily basis and a mobile environmental response team is activated if necessary. In addition, three wetlands are incorporated into the site plan and are buffered and preserved in their existing locations. A tree inventory was conducted on the site that indicates native vegetation, which will be preserved in place or relocated to the perimeter buffers where possible. Further, the applicant intends to voluntarily preserve the 4.65 acre tract shown on the site plan, which contains approximately 800 native trees. The set-aside is not required by the town's code and is in addition to any preservation or relocation of native material required by the town.

6. That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.

Applicant Response: The site is located at the terminus of C Road, north of Southern Boulevard (SR 80) and south of Collecting Canal. Site access is provided to Southern Boulevard via “C” Road. At present, minimal traffic (vehicular, pedestrian, or equestrian) occurs on this segment of C Road on a daily basis. Due to the minimal current volumes on “C” Road, the proposed use will not have a detrimental effect on vehicular or pedestrian traffic in the area.

To accommodate future equestrian use, the site plan provides a continuous 12'x15' equestrian trail along the north property line within the 100' buffer. The trail will be cleared by the applicant and meander thru the buffer to ensure the maximum preservation of existing native vegetation.

7. That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.

Applicant Response: Traffic to the site from this segment of "C" Road is primarily by the proposed use. Traffic from the site proceeds south on "C" Road directly to Southern Boulevard, which is a major east-west transportation corridor that provides access to agricultural industries throughout South Florida. Turning movements to and from the subject property have been vetted in the traffic report provided by Dr. Juan F. Ortega, P.E. and accepted by FOOT and the Palm Beach County Traffic Division. In addition, the 5,000 sf office and maintenance structure proposed on the site will not create a hazard or nuisance near the site.

8. That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan.

Applicant Response: The proposed use is located in a transitional area consisting of a patchwork of nonresidential development and pockets of residential uses, with the trend south of Collecting Canal leaning toward nonresidential expansion. The growth of nonresidential development in this area is primarily due to its location in close proximity to Southern Boulevard and the natural barrier created by Collecting Canal. The unique location of the proposed use, therefore, will not have a detrimental effect on future development in the surrounding area.

9. That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.

Applicant Response: To ensure the use is compatible with the vicinity, the storage areas are centrally located in two phases and heavily buffered/screened as described above. Access is controlled through a gated entry and exit and 24-hour security will be provided.

Also, minimal lighting is required to operate the use. All outdoor lighting is for security purposes only and will be shielded and directed down and away from adjacent properties in conformance with town requirements (see photometric plan).

Further, any impact created by fumes, odors, dust, or physical activities will be mitigated by a combination of the proposed buffers, tree preservation areas, wetland areas, water management tracts, and setbacks. Physical activities on the site will occur during normal business hours only and dust will be controlled by watering trucks as needed. If dust persists, the applicant will use asphalt millings to curtail any impact on surrounding properties.

10. That the use will not overburden existing public services and facilities.

Applicant Response: The proposed use requires minimal infrastructure and will have little to no impact on existing public services and facilities provided by the town. Due to the limited nature of the development, well and septic service will be provided on-site and garbage/recycling collection will be provided by the town contractor. In addition, no increase in residential density is proposed, therefore, no impact to traditional public services and facilities typically associated with residential development is anticipated.

V. STAFF FINDINGS:

The Applicant has proposed revisions to Section 20-015. *Permitted uses* and Article 80 *Conditional Uses* of the Town's ULDC. The proposed ULDC amendments are included in a companion application. If approved, the amendments will revise ULDC Section 20-015 to include open storage as a principal use in the Town's Agricultural Residential (AR) zoning district subject to: (1) meeting the location criteria and operational requirements of proposed Section 80-075 *Open Storage*; and (2) approval by the Town Council via the Special Exception review process.

Subject to the approval of the proposed ULDC amendments, the Applicant has filed two additional applications: (1) approval of an Open Storage Conditional Use designation on a 47.02 acre parcel; and (2) site plan approval of an Outdoor Storage use on the 47.02 acres.

Based upon its review, Staff finds that Applicant has adequately the Conditional Use Standards, per proposed ULDC Section 80-075, Site Plan Application Requirements, and Special Exception Review Standards subject to proposed conditions of approval.

VI. STAFF RECOMMENDATION: Staff recommends approval of Special Exception SE 2020-01 approving Applicant's proposed Open Storage Conditional Use and Site Plan subject to the Conditions of Approval in Attachment A.

The Applicant has proposed Conditions of Approval revisions in Attachment B.

VI. PLANNING AND ZONING BOARD ACTION: To be determined:

VII. TOWN COUNCIL ACTION: To be determined

Attachment A

Recommended Conditions of Approval

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Failure to comply with any of the conditions of approval stated herein at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee or user of the subject property; and/or

b. A requirement of the developer to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

c. Referral to the Code Enforcement Officer.

3.. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager and his designated agents shall review and approve the following plans for consistency with the approved Site Plan: submitted Site Plan and Landscape Plan.

4. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Public Services Director and Town Engineer shall review and approve all land development plans.

5. No permanent or temporary live-ins shall be allowed in stored vehicles or equipment of any kind.

B. LAND USE AND SITE PLANNING

1. Development of the site is limited to the uses depicted on the Site Plan dated May 5, 2020. All modifications to the Site Plan shall be approved by the Town Council unless:

- a. Proposed changes are required to meet conditions of approval or are in accordance with the ULDC;
 - b. Proposed changes are permitted under Section 155-005 of the ULDC;
 - c. Proposed revisions are changes to the Photometric Plan dated March 11, 2020 based upon the final locations of light fixtures;
 - d. Internal directional signs may be approved provided that sign permits are procured pursuant to ULDC Section 90-070.
2. The open storage surface areas shall consist of crushed rock drive aisles and bare earth/grass parking areas to be specifically approved (i.e. located and designed), per Condition B.1.a, at the time of permitting per Condition E.3.
 3. All parking and loading shall occur on site as indicated on the approved Site Plan dated May 5, 2020.
 - a. The equestrian trail depicted on the Site Plan dated May 5, 2020 is conceptual. The final trail location and design shall be included in the site plan Improvement Agreement required in Condition C.3. The equestrian trail, to be cleared and built by the Owner, shall comply with the Town design guidelines.
 - b. Parking for 16 spaces, meeting Town code requirements, shall be provided in the office and maintenance area.
 4. Construction of the equestrian trail shall be completed prior to the issuance of the initial Certificate of Occupancy.
 5. Prior to submittal of the first permit per Condition E.3, Applicant shall initiate a meeting with the Town of Loxahatchee Groves and the Owner of the Conservation Easement in Groves Town Center to jointly determine and make arrangements for a connection between the equestrian trail on the Subject Site and the equestrian trail in Groves Town Center. Any resulting equestrian trail revisions to the Site Plan dated May 5, 2020 may be approved administratively by the Town.
 6. Design and construction of the equestrian trail shall be the same as that of the equestrian trail in Groves town Center.
 7. Twenty-four hour security shall be provided on-site at the main entrance to the facility. A lock box which allows access by the Palm Beach County Sheriff and Fire Rescue shall be provided at the main entrance.

C. 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, 2021. 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, or State of Emergency declared by the Governor of Florida.

2.. The Property Owner shall construct a right turn lane east approach on Southern Boulevard at C Road based on FDOT standards and/or approved by the County Engineer.

a. Permits required for these constructions shall be obtained prior to the issuance of any building permit.

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

3. Prior to the first certificate of occupancy, the applicant shall construct C Road from Tangerine Drive north to the terminus with C Road. A surface water management system shall be constructed for the roadway to provide water quality treatment and stormwater attenuation prior to discharge into the Collecting Canal. A T-Turnaround shall be constructed at the terminus of the roadway. Legal right-of-way for C Road shall be confirmed prior to construction of the roadway.

4. Surface water management system calculations for all phases of development shall be submitted with the site infrastructure permit for the first phase of construction. The construction of the surface water management facilities may be installed in phases based on the approved surface water management plan.

5. Prior to approval of the infrastructure permit, the project site must be replatted per Town requirements; all easements shall be included on the plat.

6. The applicant is responsible for confirming that they are not required to connect to sewer based on FS § 381.0065. 7. All federal, state and local approvals shall be acquired for the site / infrastructure development prior to the issuance of first Town infrastructure permit.

7. All federal, state and local approvals shall be acquired for the site/infrastructure development prior to the issuance of the first Town infrastructure permit.

8. The applicant shall be required to reconstruct the south side of Collecting Canal adjacent to the project site in accordance with Town standards and clear the 20' Canal Maintenance agreement prior to the issuance of the first certificate of occupancy.

9. Surety or bonding for all clearing and site infrastructure improvements shall be provided in accordance with the Town standards.

10. If allowed, water well, septic tank and dry fire hydrant and pump connection to Collecting Canal permits shall be obtained from the Palm Beach County Health Department, Palm Beach County Fire Rescue, Town of Loxahatchee Groves, and South Florida Water Management District, as necessary prior to installation. Copies of permits or approvals shall be filed with the Town.

D. ENVIRONMENTAL

1. Project landscaping shall comply with the Site Plan and Landscape Plan, both dated May 5, 2020.

2. The Florida Fish and Wildlife Conservation Commission (FFWCC) shall issue a Gopher Tortoise relocation permit, as required, prior to any land clearing activities on the subject site within 25-feet of any identified Gopher Tortoise burrows. Capturing and relocating on-site Gopher Tortoises shall not be permitted prior to receipt of a FFWCC permit. A copy of any required FFWCC permits shall be filed with the Town. No clearing within 25-feet of identified burrows within the subject site shall be allowed until the conditions of an FFWCC permit are satisfied and the Applicant's project manager certifies to that effect in writing to the Town.

3. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and the Town's contract hauler prior to issuance of the initial certificate of occupancy.

4. A hazardous waste spillage, management and disposal plan shall be completed and approved by Special Exception Category B prior to filing of the first building permit.

5. Construction best management practices (BMPs) to control dust shall be utilized, including but not limited to watering exposed soil, landscaping, site access controls and vegetative perimeter site barriers in accordance with guidelines set forth by the Palm Beach County Health Department (PBCHD), pursuant to F.A.C. 62-296.320 – General Pollutant Emission Limiting Standards.

6. The 4.65 acre preserve area is, and shall remain subject to the Conservation easement recorded in ORB 11092 Page 526 and is not subject to any vegetation removal mitigation credits per Condition E.2.
7. Physical activities on the site will occur during normal business hours only and dust will be controlled by watering trucks as needed,

E. LAND CLEARING AND LANDSCAPING

1. Project landscaping shall comply with the Site Plan and Landscape Plan, both dated May 5, 2020.
2. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.
- 3 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.
4. A Floodplain Development Application shall be filed with the Town Department of Public Works concurrent with any site work or permit required by Article 87 of the Unified Land Development code
5. Buffer areas, including security screening, along the east and south property lines shall comply with the Site Plan and Landscape Plan, both dated May 5, 2020 and ULDC Section 85-060 *Perimeter Landscape Buffer Requirements for Non-Residential/Non-Agricultural Perimeters..*
6. Chain link fencing with black vinyl slats shall be used to screen the storage areas from view on all sides.

F. SIGNAGE

1. One monument sign on C Road is permitted, per the site Plan dated May 5, 2020, with a maximum sign height of 6 feet and perimeter of 72 sq. ft.

G. LIGHTING

1. Outdoor lighting shall be constructed and operated in compliance with ULDC Section 50-030 *Outdoor Lighting*.

2. All outdoor lighting shall be LED box-mounted, shielded on five sides, directed down on to the Subject Property and away from adjacent properties, and for security purposes only.

Specific locations shall be determined, by administrative site plan amendment, at the time of permitting. The maximum height of light fixtures shall not exceed 25 feet.

3. Building mounted and other security lighting will be mounted at no higher than 20 feet above ground. Lights shall be LED box-mounted with light directed downward onto the Subject Property.

ATTACHMENT B

APPLICANT'S PROPOSED CONDITIONS OF APPROVAL

(Staff Recommendation in **Yellow**. Applicant's Proposal in **Green**)

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Failure to comply with any of the conditions of approval stated herein at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee or user of the subject property; and/or
 - b. A requirement of the developer to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - c. Referral to the Code Enforcement Officer.
3. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager and his designated agents shall review and approve the following plans for consistency with the approved Site Plan: submitted Site Plan and Landscape Plan.
4. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Public Services Director and Town Engineer shall review and approve all land development plans.
5. No permanent or temporary live-ins shall be allowed in stored vehicles or equipment of any kind.

B. LAND USE AND SITE PLANNING

1. Development of the site is limited to the uses depicted on the Site Plan dated May 5, 2020. All modifications to the Site Plan shall be approved by the Town Council unless:

- a. Proposed changes are required to meet conditions of approval or are in accordance with the ULDC;
- b. Proposed changes are permitted under Section 155-005 of the ULDC;
- c. Proposed revisions are changes to the Photometric Plan dated March 11, 2020 based upon the final locations of light fixtures;
- d. Internal directional signs may be approved provided that sign permits are procured pursuant to ULDC Section 90-070.

2. The open storage surface areas shall consist of ~~crushed rock~~ primarily bare earth/grass drive aisles and bare earth/grass parking areas to be specifically approved (i.e. located and designed), per Condition B.1.a, at the time of permitting per Condition E.3. Crushed rock and/or millings shall be allowed to facilitate vehicle operations throughout the site, as needed.

3. All parking and loading shall occur on site as indicated on the approved Site Plan dated May 5, 2020.

- c. The equestrian trail depicted on the Site Plan dated May 5, 2020 is conceptual. The final trail location and design shall be included in the site plan improvement agreement required in Condition C.3. The equestrian trail, to be cleared and built by the Owner, shall comply with the Town design guidelines.
- d. Parking for 16 spaces, meeting Town code requirements, shall be provided in the office and maintenance area.

4. Construction of the equestrian trail shall be completed prior to the issuance of the initial Certificate of Occupancy.

5. Prior to submittal of the first permit per Condition E.3, Applicant shall initiate a meeting with the Town of Loxahatchee Groves and the Owner of the Conservation Easement in Groves Town Center to jointly determine and make arrangements for a connection between the equestrian trail on the Subject Site and the equestrian trail in Groves Town Center. Any resulting equestrian trail revisions to the Site Plan dated May 5, 2020 may be approved administratively by the Town.

6. Design and construction of the equestrian trail shall be the same as that of the equestrian trail in Groves town Center.

7. Twenty-four hour security shall be provided on-site at the main entrance to the facility. A lock box which allows access by the Palm Beach County Sheriff and Fire Rescue shall be provided at the main entrance.

C. 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, 2021. 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, or State of Emergency declared by the Governor of Florida.

2. The Property Owner shall construct a right turn lane east approach on Southern Boulevard at C Road based on FDOT standards and/or approved by the County Engineer.

a. Permits required for these constructions shall be obtained prior to the issuance of any building permit.

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

3. ~~Prior to the first certificate of occupancy, the applicant shall construct C Road from Tangerine Drive north to the terminus with C Road. A surface water management system shall be constructed for the roadway to provide water quality treatment and stormwater attenuation prior to discharge into the Collecting Canal. A T-Turnaround shall be constructed at the terminus of the roadway. Legal right-of-way for C Road shall be confirmed prior to construction of the roadway.~~ Prior to the first certificate of occupancy, the applicant shall agree to maintain C Road from Tangerine Drive north to the terminus with Collecting Canal. The final road location and maintenance requirements shall be included in the site infrastructure permit.

4. Surface water management system calculations for all phases of development shall be submitted with the site infrastructure permit for the first phase of construction. The construction of the surface water management facilities may be installed in phases based on the approved surface water management plan.

-

5. Prior to approval of the infrastructure permit, ~~the project site must be replatted per Town requirements; all easements shall be included on the plat~~ the applicant shall record a Unity of Control over the entire property in a form and manner approved by the Town Attorney. The Unity of Control shall not be broken or modified without prior approval from the Town Manager or their designee.

6. The applicant is responsible for confirming that they are not required to connect to sewer based on FS § 381.0065. 7. All federal, state and local approvals shall be acquired for the site / infrastructure development prior to the issuance of first Town infrastructure permit.

7. All federal, state and local approvals shall be acquired for the site/infrastructure development prior to the issuance of the first Town infrastructure permit.

8. The applicant shall be required to reconstruct the south side of Collecting Canal adjacent to the project site in accordance with Town standards and clear the 20' Canal Maintenance agreement prior to the issuance of the first certificate of occupancy.

9. Surety or bonding for all clearing and site infrastructure improvements shall be provided in accordance with the Town standards.

10. If allowed, water well, septic tank and dry fire hydrant and pump connection to Collecting Canal permits shall be obtained from the Palm Beach County Health Department, Palm Beach County Fire Rescue, Town of Loxahatchee Groves, and South Florida Water Management District, as necessary prior to installation. Copies of permits or approvals shall be filed with the Town.

D. ENVIRONMENTAL

1. Project landscaping shall comply with the Site Plan and Landscape Plan, both dated May 5, 2020.

2. The Florida Fish and Wildlife Conservation Commission (FFWCC) shall issue a Gopher Tortoise relocation permit, as required, prior to any land clearing activities on the subject site within 25-feet of any identified Gopher Tortoise burrows. Capturing and relocating on-site Gopher Tortoises shall not be permitted prior to receipt of a FFWCC permit. A copy of any required FFWCC permits shall be filed with the Town. No clearing within 25-feet of identified burrows within the subject site shall be allowed until the conditions of an FFWCC permit are satisfied and the Applicant's project manager certifies to that effect in writing to the Town.

3. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and the Town's contract hauler prior to issuance of the initial certificate of occupancy.

4. A hazardous waste spillage, management and disposal plan shall be completed and approved by ~~Special Exception Category B~~ **the Town Engineer** prior to filing of the first building permit.

5. Construction best management practices (BMPs) to control dust shall be utilized, including but not limited to watering exposed soil, landscaping, site access controls and vegetative perimeter site barriers in accordance with guidelines set forth by the Palm Beach County Health Department (PBCHD), pursuant to F.A.C. 62-296.320 – General Pollutant Emission Limiting Standards.

6. The 4.65 acre preserve area is, and shall remain, subject to the Conservation easement recorded in ORB 11092 Page 526 **and is not subject to any vegetation removal mitigation credits per Condition E.2.**

7. Physical activities on the site will occur during normal business hours only and dust will be controlled by watering trucks as needed.

E. LAND CLEARING AND LANDSCAPING

1. Project landscaping shall comply with the Site Plan and Landscape Plan, both dated May 5, 2020.

2. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District, ~~and/or~~ U.S. Army Corps of Engineers **or a certified Professional Wetland Scientist (PWS)**. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management District or U.S. Army Corps of Engineers.

3. 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.

4. A Floodplain Development Application shall be filed with the Town Department of Public Works concurrent with any site work or permit required by Article 87 of the Unified Land Development code

5. Buffer areas, including security screening, along the east and south property lines shall comply with the Site Plan and Landscape Plan, both dated May 5, 2020 and ULDC Section 85-060 *Perimeter Landscape Buffer Requirements for Non-Residential/Non-Agricultural Perimeters*.

6. Chain link fencing with black vinyl slats shall be used to screen the storage areas from view on all sides **where necessary**.

F. SIGNAGE

1. One monument sign on C Road is permitted, per the site Plan dated May 5, 2020, with a maximum sign height of 6 feet and perimeter of 72 sq. ft.

G. LIGHTING

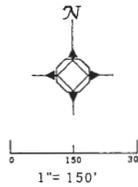
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2. All outdoor lighting shall be LED box-mounted, shielded on five sides, directed down on to the Subject Property and away from adjacent properties, and for security purposes only. Specific locations shall be determined, by administrative site plan amendment, at the time of permitting. The maximum height of light fixtures shall not exceed 25 feet.

3. Building mounted and other security lighting will be mounted at no higher than 20 feet above ground. Lights shall be LED box-mounted with light directed downward onto the Subject Property.

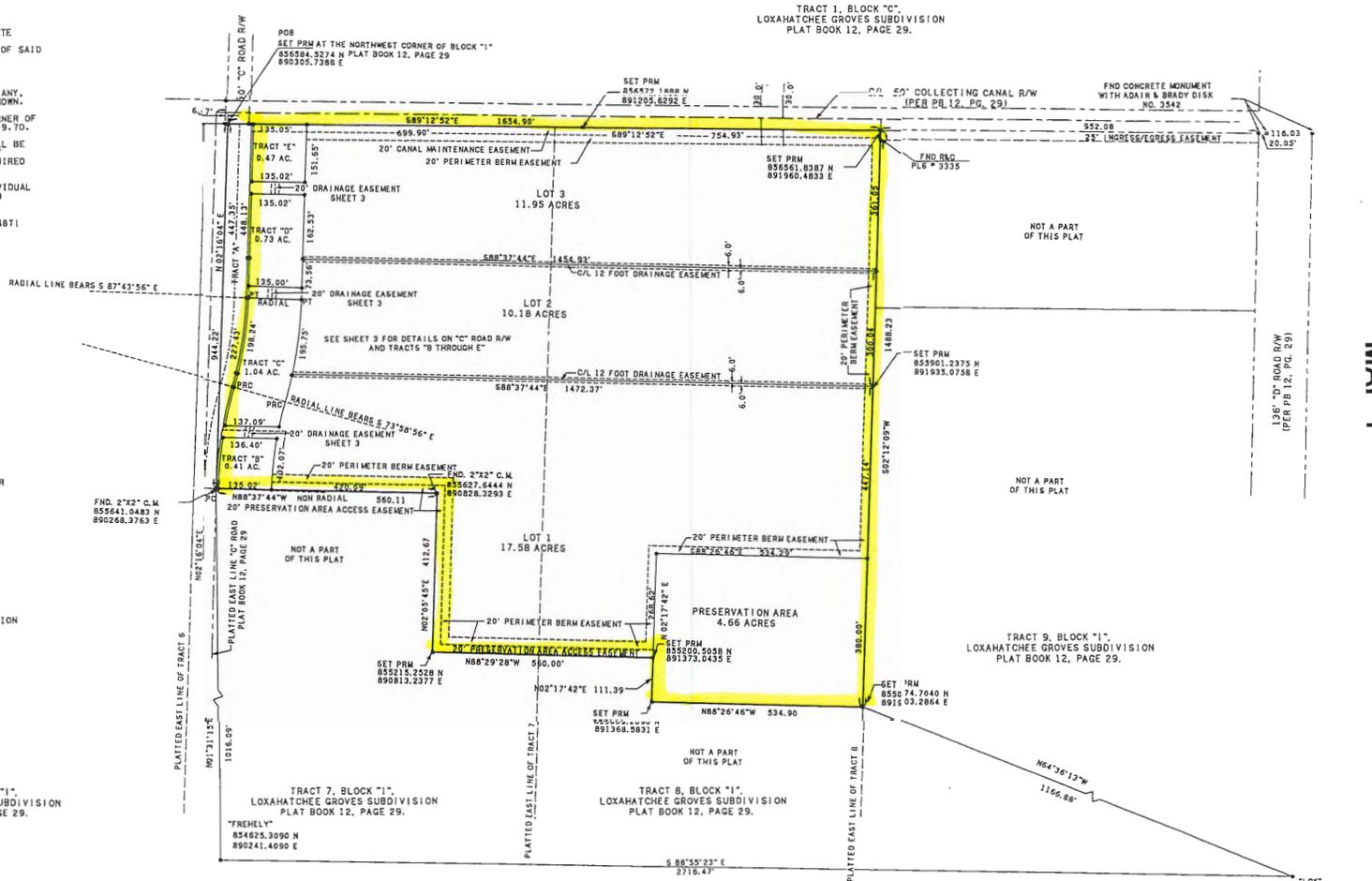
LOXAHATCHEE FARMS WEST

BEING A REPLAT OF A PORTION OF TRACTS 7 & 8, BLOCK "I" OF LOXAHATCHEE GROVES SUBDIVISION, AS RECORDED IN PLAT BOOK 12, PAGE 29
IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA
SECTION 32, TOWNSHIP 43 SOUTH, RANGE 41 EAST



NOTES:

1. BEARINGS SHOWN ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM. BEARING BASIS ESTABLISHED BY USING POINTS FREHELY AND LOX AS PUBLISHED BY THE PALM BEACH COUNTY SURVEY DIVISION. THE BEARING OF SAID LINE IS S88°55'23"E.
2. FIELD SURVEY WAS PERFORMED ON JULY 1, 1996
3. SITE IMPROVEMENTS, UNDERGROUND UTILITIES AND ENCROACHMENTS, IF ANY, HAVE NOT BEEN LOCATED AND ARE NOT COVERED UNDER THE CERTIFICATION SHOWN.
4. CROSSROADS BENCHMARK: SET IRON ROD AND CAP AT THE SOUTHEAST CORNER OF THE INTERSECTION OF "D" ROAD AND THE COLLECTING CANAL. ELEVATION - 19.70.
5. NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.
6. SEPTIC SYSTEM INSTALLATIONS ARE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER. ANY SEVERELY OR MODERATELY LIMITED SOILS MUST BE REPLACED IN ACCORDANCE WITH RULE 10D - 6, FAC AND PBC ECR - 1.
7. * DENOTES PERMANENT REFERENCE MONUMENT SET, STAMPED PLS 3871
8. * DENOTES PROPERTY CORNERS (SET ROD & CAP NO. LB 6595)
9. OA - DENOTES OVERALL LENGTH
10. TYP - DENOTES TYPICAL
11. PCB - DENOTES POINT OF BEGINNING
12. ESM - DENOTES EASEMENT
13. DB - DENOTES DEED BOOK
14. ORB - DENOTES OFFICIAL RECORD BOOK
15. PB - DENOTES PLAT BOOK
16. PG - DENOTES PAGE
17. C/L - DENOTES CENTER LINE
18. R/W - DENOTES PUBLIC RIGHT-OF-WAY
19. R/C - DENOTES ROD AND CAP
20. PRM - DENOTES PERMANENT REFERENCE MONUMENT
21. PCP - DENOTES PERMANENT CONTROL POINT
22. PLS - DENOTES PROFESSIONAL LAND SURVEYOR / SURVEYOR AND MAPPER
23. R - DENOTES RADIUS
24. A - DENOTES ARC LENGTH
25. Δ - DENOTES DELTA ANGLE
26. COORDINATES SHOWN ARE GRID
27. DATUM - NAD 83, 1990 ADJUSTMENT
28. ZONE - FLORIDA EAST
29. LINEAR UNIT - U.S. SURVEY FOOT
30. COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
31. ALL DISTANCES ARE GROUND
32. SCALE FACTOR - 1.00000630
33. GROUND DISTANCE X SCALE FACTOR - GRID DISTANCE
34. ALL BEARINGS ARE GRID BEARINGS
35. □ - DENOTES EXISTING
36. CM - DENOTES CONCRETE MONUMENT
37. FND - DENOTES FOUND
38. ○ - DENOTES ROD AND CAP



MAP 1

AERIAL:

MAP 2



-4-

ILLUSTRATIVE SITE PLAN:
 *Note: See Attachment 13 – Site Plan for detailed plan.

EXHIBIT 1



Site Data

Total Site Area	+/- 47 Acres
Total Storage Area	+/- 30 Acres
Total Retention Area	+/- 3 Acres
Total Preserve	+/- 6.50 Acres
Total Building Area	5,000 sf

Loxahatchee Farms Outdoor Storage

Illustrative Site Plan



Land Planning | Land Development
 Urban Design | Landscape Architecture
 924 US Highway One, Suite 250
 North Palm Beach | Florida 33408
 o 561 620 6820 | c 561 706 2100
 LCC #00090 | www.teamplan.nc.com



To: TOWN COUNCIL
Through: JAMIE TITCOMB, TOWN MANAGER
From: JIM FLEISCHMANN, TOWN PLANNING CONSULTANT
Re: STAFF REPORT – COMPREHENSIVE PLAN AMENDMENT (CPA) 2020-01:
FDEO PLANNING GRANT AMENDMENTS
Date: July 1, 2020

Amendment 2020-01 is a revision of Comprehensive Plan Transportation and Future Land Use Elements, including text and map amendments generated by work completed by the Town under Florida Department of Economic Opportunity Community Planning Technical Assistance Grant #P0361.

In summary, the following work activities were completed under FDEO Grant #P0361 and incorporated within proposed Comprehensive Plan Amendment 2020-01:

1. A review of the “Urban Collector” classification of Okeechobee Boulevard and, based upon the review, recommend Comprehensive Plan amendments;
2. A review of the term “Low Impact Non-Residential Development” and recommend Comprehensive Plan amendments and future Town actions to clarify the issue;
3. A summary of the Grant funded public workshop and online survey oriented to clarifying the desired development character of Okeechobee Boulevard and Southern Boulevard.

Specific recommendations generated by the above work activities form the basis for the proposed Comprehensive Plan amendments included herein.

PROPOSED COMPREHENSIVE PLAN AMENDMENTS:

A. MAP AMENDMENTS: Map amendments (Ref: Pages 5 – 7), proposed for the Future Land Use and Transportation Elements of the Comprehensive Plan, are summarized as follows:

1. Future Land Use Element

- Add Map #FLU-1.10.1 to create and define the extent of the Okeechobee Rural 5 Overlay (OR 5 Overlay).

2. Transportation Element

- Revise Map TRN 2.3 to re-classify Okeechobee Boulevard as a Minor Collector.
- Add Map TRN 2.3.1 and Table TRN 2.1 to establish a local road classification system.

B. OKEECHOBEE BOULEVRD TEXT AMENDMENTS: Text amendments (Ref: Pages 8 – 13), proposed for the Future Land Use and Transportation Elements of the Comprehensive Plan are summarized as follows):

- Revise Future Land Use Element Policy 1.1A.1 to read as follows:
Coordinate with Palm Beach County to designate the section of Okeechobee Boulevard within Loxahatchee Groves a Rural Parkway;
- Add Future Land Use Element Objective 1.16 to read as follows:
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.

- Add Future Land Use Element Policy 16.1 to read as follows:

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.

- Add Future Land Use Element Policy 1.16.2 to read as follows:
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 farrier.
 - (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.

- Add Future Land Use Element Policy 1.16.3 to read as follows:
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.
- Add Future Land Use Element Policy 1.16.4 to read as follows:
The Town shall require a consistent architectural theme within the OR 5 Overlay.
- Add Future Land Use Element Policy 1.16.5 to read as follows:

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.

- Add Transportation Element Policy 2.2.5 to read as follows:

The following shall be Town policies: (1) permanent removal of the “E” road, 140th Avenue thoroughfare from the Palm Beach County Thoroughfare Right-of-Way Identification Map; (2) annual exclusion of that portion of Okeechobee Boulevard from Folsom Road to west of “A” Road from consideration of expansion to four lanes from the County’s 5-Year Road Program; (3) support for the extension of Seminole Pratt-Whitney Road north to State Road 710, the Beeline Highway; (4) opposition to the extension of Okeechobee Boulevard to State Road 80 (Southern Boulevard); and (5) support of the extension of State Road 7 from Okeechobee Boulevard to Northlake Boulevard.

A. SOUTHERN BOULEVRD TEXT AMENDMENTS: The following are proposed Future Land Use Element Comprehensive Plan amendments generated by the review of the Town's historical planning documents and the four visioning exercises:

- Amend Table 1-8 to: (1) increase the Intensity (Maximum Floor-Area-Ratio) of the Commercial Low Uses Land Use Category from 0.10 to 0.15; and (2) add a reference to Policy 1.2.6 which provides an F.A.R. exception for self-storage facilities.
- Add Policy 1.2.5 to prohibit the following uses: additional big box; gas station; vehicle/car dealerships; and large industrial complexes.
- Add Policy 1.2.6 to read as follows:

The maximum Floor-Area-Ratio of a self-storage facility may be increased above 0.15 provided that parking, loading, landscape, building height, setback and buffer requirements are satisfied,

**ATTACHMENT A – Proposed Map #FLU-1.10.1
Okeechobee Rural 5 Overlay**

ATTACHMENT B - Revised Map #TRN 2.3

ATTACHMENT C.1 – Proposed Map #TRN 2.3.1

**ATTACHMENT C.2 – Proposed Table #TRN 2-1
Local Road Functional Classification System**

Road Classification	Function	Design Objective	Funding
Service Level 1	Principal public access from Town properties to Okeechobee Boulevard and Southern Boulevard	Improved or unimproved, as determined by the Town	Town gas tax, road & drainage assessments, and/or a cost-sharing assessment
Service Level 2	Public access from Town properties to Okeechobee Boulevard or Southern Boulevard	Improved or unimproved, as determined by the Town	Town gas tax and road & drainage assessments, and/or a cost-sharing assessment
Service Level 3	Connector public access between two or more Service Level 1 Roads	Improved or unimproved to be determined by Town and abutting owners	Town gas tax and road & drainage assessments, cost sharing assessment
Service Level 4	Non-through public direct access to Town properties	Improvement can be requested by abutting owners and approved by Town.	Town gas tax and road & drainage assessments, cost sharing assessment
Service Level 5	Non-through private direct access to Town properties	Improvements may be made by abutting owners	Owner's responsible for improvements and maintenance at Town standards.

Source: Town of Loxahatchee Groves Roadway Equestrian Trail and Greenways Advisory Committee; 2019.

ATTACHMENT D.1 – Proposed Future Land Use Element Text Amendments
(Underlined text is an addition to and ~~struckthrough~~ text is a deletion from existing text)

Policy 1.1A.1:

In order to maintain the two-lane section, the Town shall support implementation of the following Okeechobee Boulevard improvements:

- a) Coordinate with Palm Beach County to designate the section of Okeechobee Boulevard within Loxahatchee Groves a Rural Parkway; specifically ~~Expansion~~ expansion to a two-lane divided median enhanced rural parkway with properly-spaced left-turn lanes.
- b) Traffic calming features, to include but not limited to roundabouts at the Letter Road intersections with Okeechobee Boulevard.
- c) Implementation and enforcement of reduced speed limits.

Policy 1.2.5:

The following uses: are prohibited: additional big box; gas station; vehicle/car dealerships; and large industrial complexes.

Policy 1.2.6:

The maximum Floor-Area-Ratio of a self-storage facility may be increased above 0.15 provided that parking, loading, landscape, building height, setback and buffer requirements are satisfied,

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.

ATTACHMENT D.2 – Proposed Table # FLU 1-8 Amendment

(Underlined text is an addition to and ~~struckthrough~~ text is a deletion from existing text)

ATTACHMENT E – Proposed Transportation Element Text Amendment
(Underlined text is an addition to and ~~struckthrough~~ text is a deletion from existing text)

Policy 2.2.5 to read as follows:

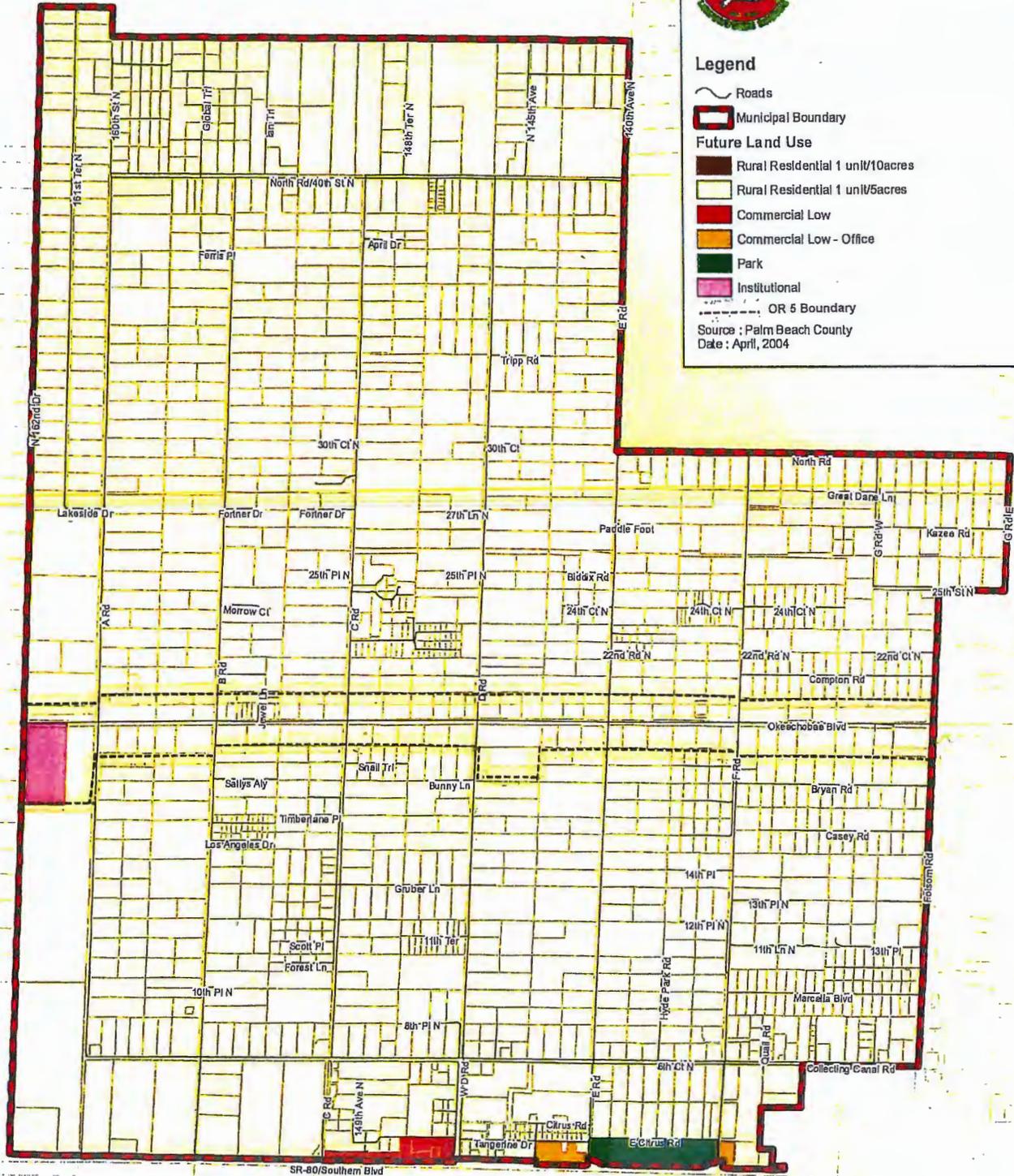
The following shall be Town policies: (1) permanent removal of the “E” road, 140th Avenue thoroughfare from the Palm Beach County Thoroughfare Right-of-Way Identification Map; (2) annual exclusion of that portion of Okeechobee Boulevard from Folsom Road to west of “A” Road from consideration of expansion to four lanes from the County’s 5-Year Road Program; (3) support for the extension of Seminole Pratt-Whitney Road north to State Road 710, the Beeline Highway; (4) opposition to the extension of Okeechobee Boulevard to State Road 80 (Southern Boulevard); and (5) support of the extension of State Road 7 from Okeechobee Boulevard to Northlake Boulevard.



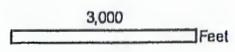
Future Land Use

Legend

- Roads
 - Municipal Boundary
 - Future Land Use**
 - Rural Residential 1 unit/10acres
 - Rural Residential 1 unit/5acres
 - Commercial Low
 - Commercial Low - Office
 - Park
 - Institutional
 - OR 5 Boundary
- Source : Palm Beach County
Date : April, 2004



**ATTACHMENT A – Proposed Map #FLU-1.10.1
Okeechobee Rural 5 Overlay**



ATTACHMENT B

Transportation Element Map TRN - 2.3

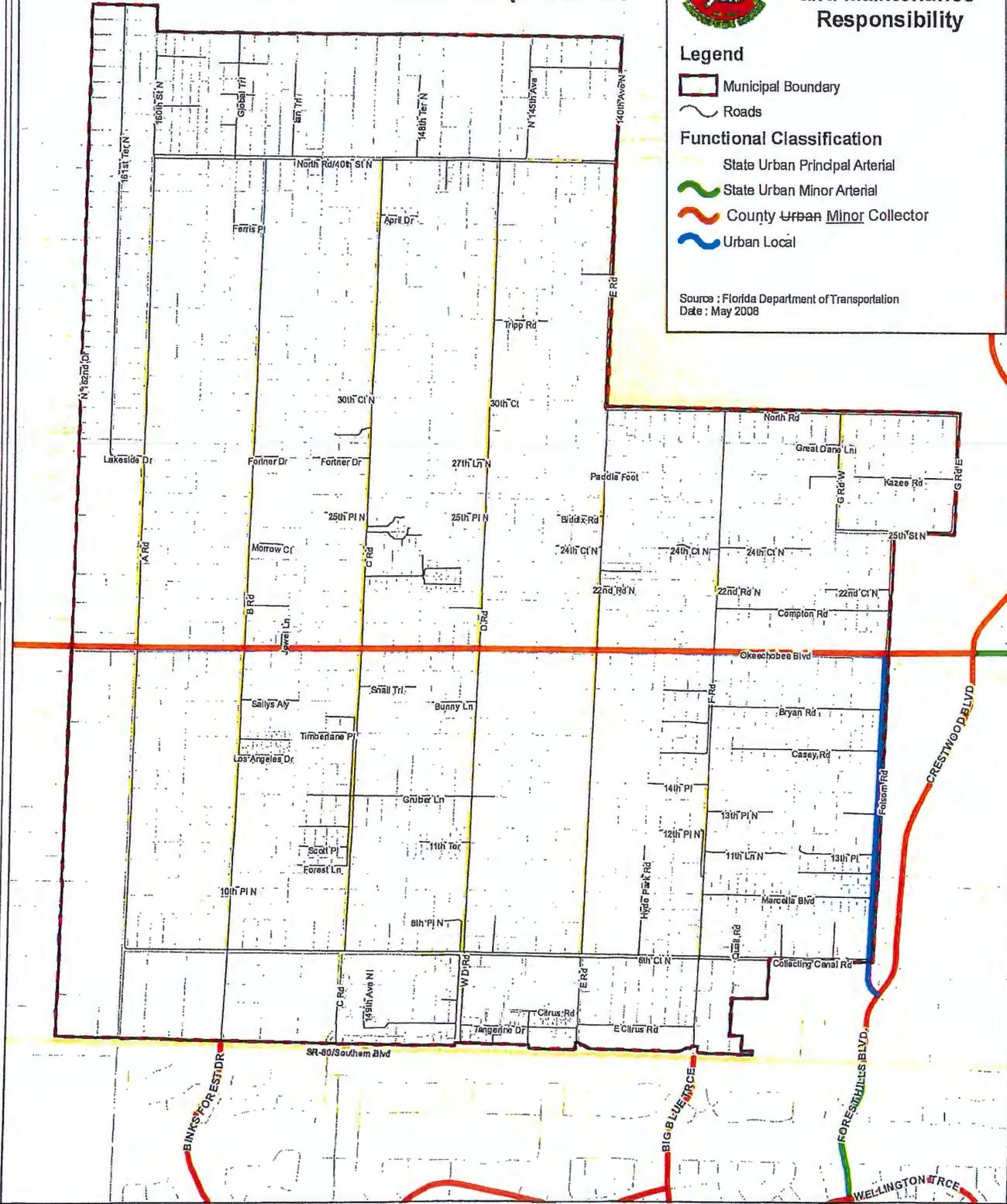


Existing Functional Classification and Maintenance Responsibility

Legend

-  Municipal Boundary
-  Roads
- Functional Classification**
-  State Urban Principal Arterial
-  State Urban Minor Arterial
-  County Urban Minor Collector
-  Urban Local

Source : Florida Department of Transportation
Date : May 2008





Town of Loxahatchee Groves Proposed Roadway Classification Map October 2019



0 2,000 Feet

ATTACHMENT C.1 – Proposed Map #TRN 2.3.1

Legend

- Parcel Boundary
- Roadway Levels of Service**
- Outside of Town limits
- Level 1 - Access to Both Okeechobee AND Southern Boulevards
- Level 2 - Access to Either Okeechobee OR Southern Boulevard
- Level 3 - Connector Public Access
- Level 4 - Public Access
- Level 5 - Private Access
- Palm Beach County Roadway
- Florida Dept. of Transportation Roadway
- Future (Tangerine Dr.)

NOTE:
This portion of 40th St N located north of North Road is for berm maintenance access and is NOT a roadway.

