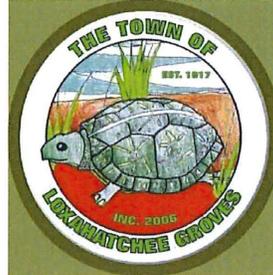


**TOWN OF LOXAHATCHEE GROVES**  
TOWN HALL CHAMBERS  
PLANNING AND ZONING BOARD AS LOCAL PLANNING AGENCY

**AGENDA**

**August 20, 2020 – 5:30 P.M.**



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

**Vacant (Seat 2)**  
**Neil O'Neal III (Seat 4)**  
**Vacant (Alt.)**  
**Thais Gonzales (Alt.)**

**Administration**

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

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

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

**CALL TO ORDER**

**OPENING**

- 1. Call to Order & Roll Call**
- 2. Election of Chairman**

**3. Approval of Agenda**

**4. Public Comments**

**CONVENE LOCAL PLANNING AGENCY**

**1. Noah's Ark Daycare Small-Scale Land Use Map Amendment**

**2. Update on the status of the Okeechobee Boulevard/Southern Boulevard  
Comprehensive Plan Amendments**

**3. Public Comments**

**4. Adjourn Local Planning Agency**

**CONVENE PLANNING AND ZONING BOARD**

**1. Noah's Ark Zoning Map Amendment**

**2. Noah's Ark Site Plan Amendment**

**3. Palms West Plaza Site Plan Amendment**

**4. Public Comments**

**COMMITTEE MEMBER COMMENTS**

**SET NEXT MEETING DATE**

**ADJOURN PLANNING AND ZONING BOARD**

**TOWN OF LOXAHATCHEE GROVES  
LOCAL PLANNING AGENCY/PZB MEETINGS  
August 20, 2020**

**STAFF REPORT: NOAH’S ARK DAYCARE AMENDMENTS:  
FUTURE LAND USE MAP AND ZONING MAP**

1. Comprehensive Plan Text and Map Amendment (CPA) 2020-02; and
2. Rezoning (REZ) 2020-03.

**Project Name:** Noah’s Ark Preschool

**Agent:** Christen Hutton & Josh Nichols: Schmidt Nichols

**Applicant:** Preschool Management II, Inc.

**Owners:** Preschool Management, Inc.

**Parcel Control Number (PCN):** 41-41-43-17-01-312-0010

**Project Location:** North side of Okeechobee Blvd. 275 feet west of “D” Road

**Size of Property:** 4.88 acres.

**Current FLU Map Designation:** Rural Residential 5 (RR5).

**Current Zoning Map Designation:** Agricultural Residential (AR).

**Existing Use:** Existing daycare center/preschool and approved church assembly.

**Proposed Land Use Designation:** Institutional and Public Facilities (INST).

**Proposed Zoning Designation:** Institutional and Public Facilities (IPF).

**Maximum Development Potential:** 21,257 sq. ft. of IPF space (4.88 acres x 43,560 sq. ft. per acre x 0.10 FAR).

### **History of the Application**

The Noah’s Ark Preschool property consists of one parcel of record located on Okeechobee Boulevard for a total of 4.88 acres. (Refer to Map 1).

A Daycare/Preschool and Church Assembly facility of 6,169 sq. ft. was granted Special Exception approval (Ref: Exhibit 1) by Palm Beach County prior to incorporation of the Town. The project was approved by the Ccounty (DOA 78-31) and built in 1982 (Daycare component) and 2000 (church component). At the time of approval by the County, daycare and church assembly were permitted special exception uses in the RR 5 Future Land Use

category and the AR zoning district. However, under the Town's Comprehensive Plan and ULDC, the appropriate categories are Institutional and Public Facilities future land use and zoning. Thus, the existing development currently contains legal non-conforming uses.

Although non-conforming, the existing County approval, per the Town Charter, has been honored by Loxahatchee Groves. The current Town future land use and zoning designations are Rural Residential 5 (RR 5) an Agricultural Residential (AR) respectively, while the appropriate designations are Institutional and Public Facilities.

### **Current Applications Summary**

Daycare/Preschool and Church Assembly are not permitted uses in either the Town's Rural Residential 5 (RR 5) land use category or Agricultural Residential (AR) zoning district, both of which are currently assigned to Subject Site. In order to gain consistency with the Town's Comprehensive Plan and ULDC and receive any additional approvals, appropriate Town future land use and zoning designations should be assigned to the property.

To attain compliance with the Comprehensive Plan and Unified Land Development Code (ULDC), future land use and zoning map amendments to Institutional and Public Facilities are necessary. In order to attain Comprehensive Plan and zoning consistency, the Applicant has proposed following amendments:

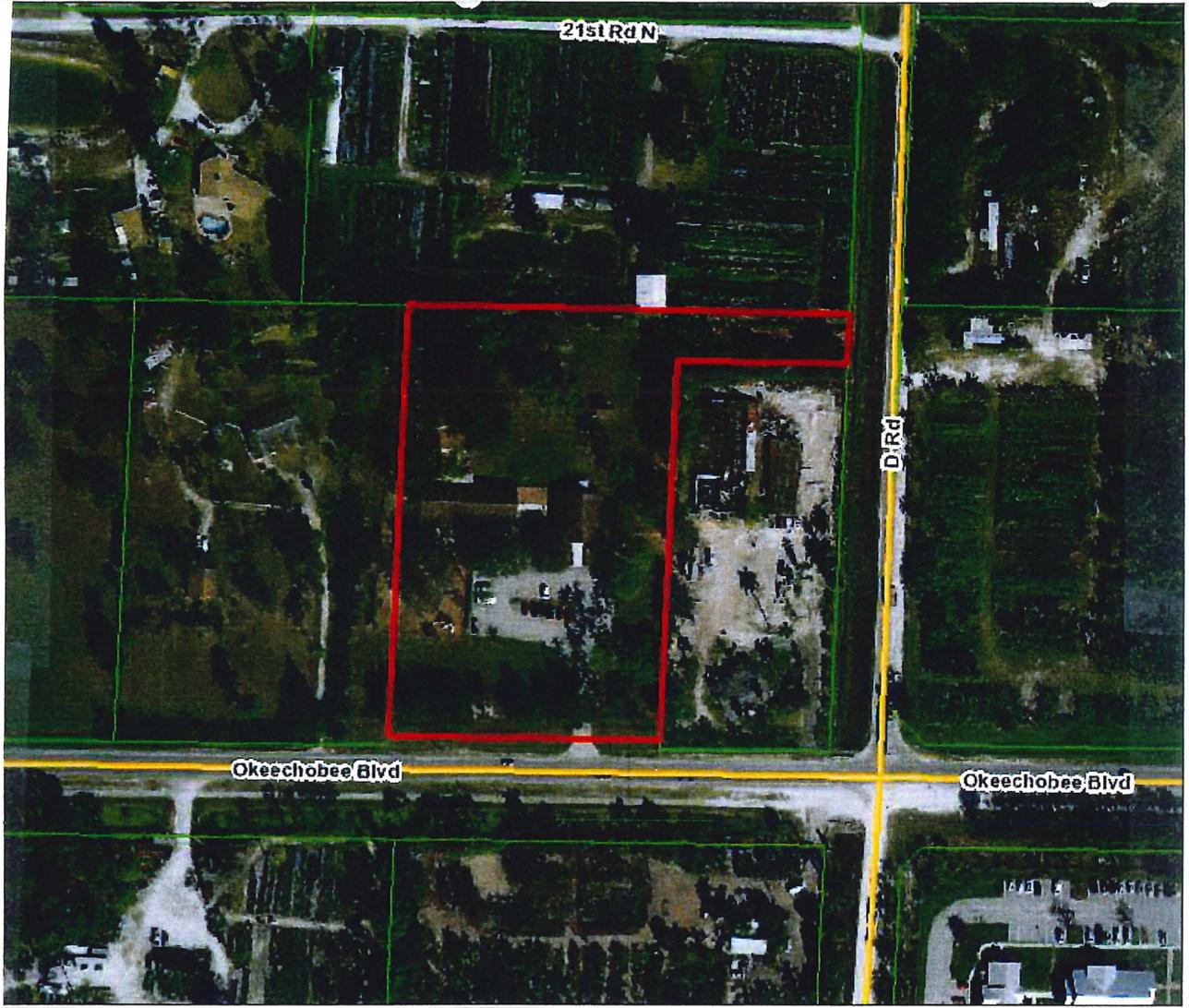
**1. Comprehensive Plan Amendment (CPA 2020-02):** Future Land Use Map (FLUM) amendment from Rural Residential 5 (RR 5) to Institutional and Public Facilities.

The proposed amendment will allow the existing use to come into compliance with the Comprehensive Plan by assigning the appropriate Future Land Use designation (Institutional and Public Facilities) to the property. Further, the existing Floor-Area-Ratio (F.A.R.) of the property is 0.029; substantially less than the 0.10 maximum allowed in the Institutional and Public Facilities future land use category.

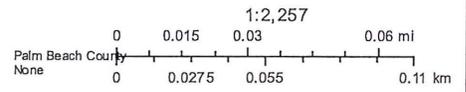
**2. Zoning Map Amendment (REZ 2020-03):** Zoning Map amendment from Agricultural Residential (AR) to Institutional and Public Facilities.

Assuming the Institutional and Public Facilities future land use designation is assigned to the property, the proposed Zoning Map amendment to Institutional and Public Facilities. will create consistency between the Future Land Use and Zoning designations, and allow the Applicant to propose amendments to the approved site plan.

# Map 1 Noah's Ark Site Location



Noah's Ark Preschool



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## **Staff Findings and Recommendations**

Proposed Future Land Use Map and Zoning Map amendments are presented in Exhibits 2 and 3. Following a review of the applications, Town staff finds Amendments CPA 2020-02 and REZ 2020-03 to be consistent with the intent of the Comprehensive Plan and Unified Land Development Code and direction provided by previous the Palm Beach County approval. Based upon these findings, staff recommends the following:

1. Approval of CPA 2020-02 by the Local Planning Agency (Ref: Exhibit 2); and
2. Approval of Rezoning Application REZ 2020-03 by the Planning and Zoning Board (Ref: Exhibit 3).

### **Local Planning Agency (LPA) and Planning and Zoning Board (PZB) Recommendations**

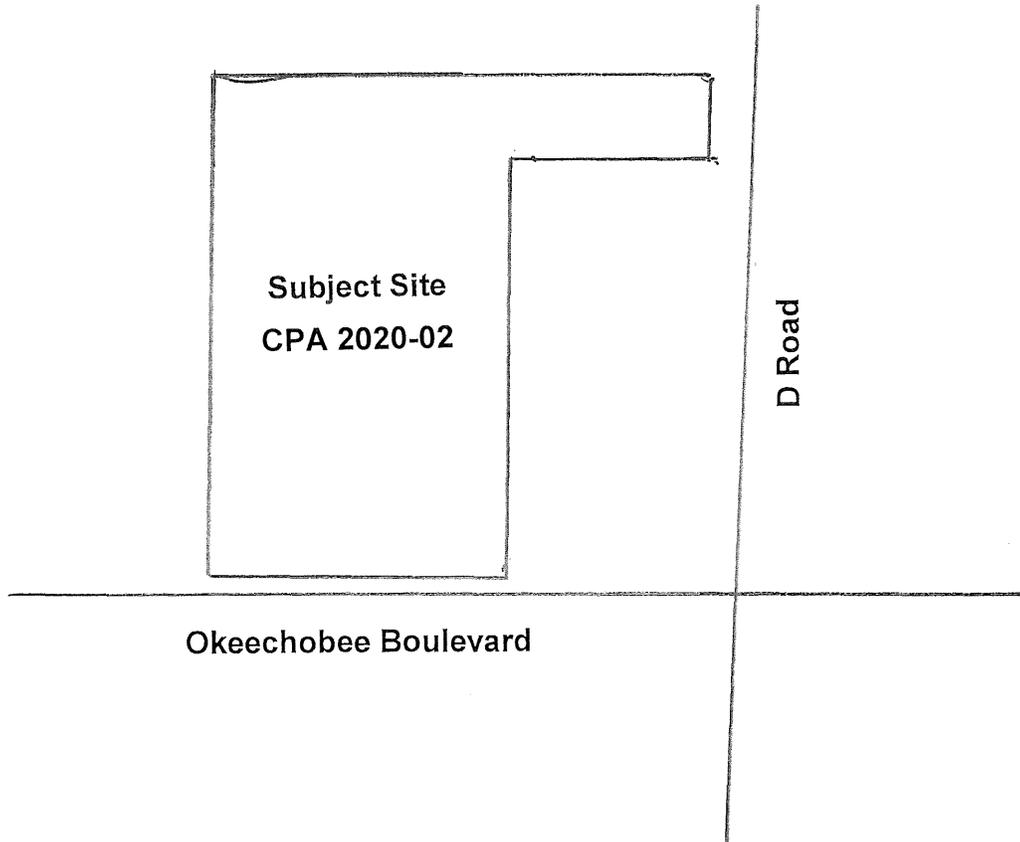
1. CPA 2020-02 Application by the LPA: \_\_\_\_\_
2. REZ 2020-03 Application by the PZB: \_\_\_\_\_

### **Town Council Action**

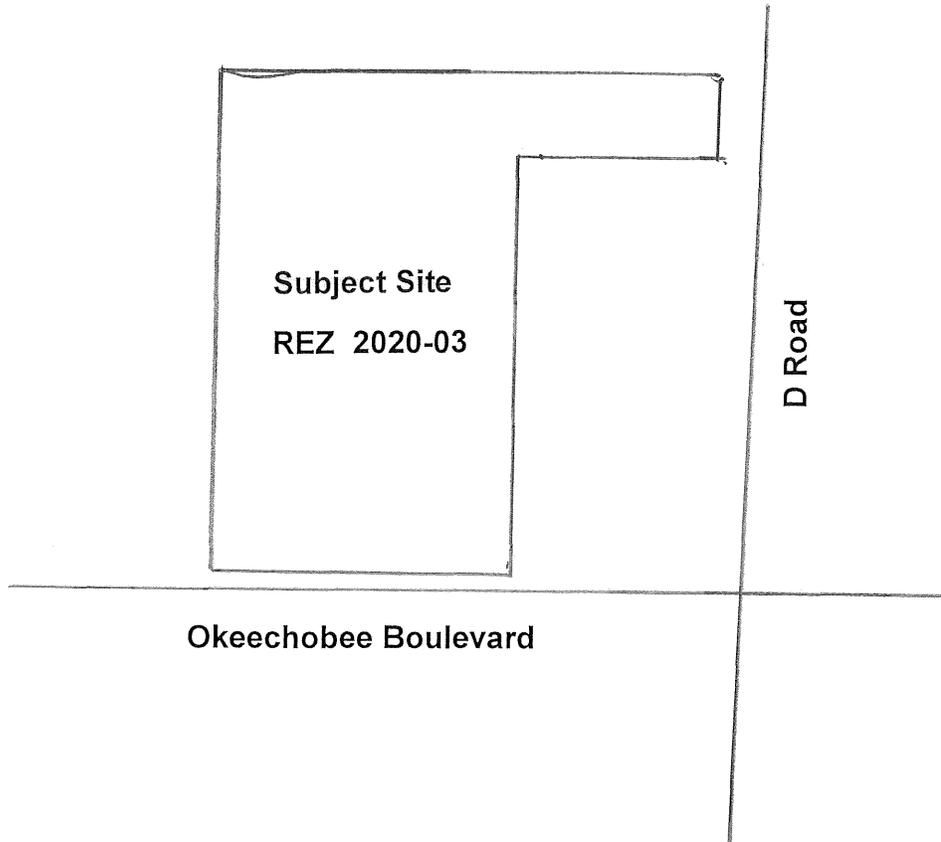
Quasi-Judicial public hearings to consider proposed CPA Amendment 2020-02 and REZ 2020-01 are on future dates to be determined.

**Exhibit 2 Noah's Ark Future Land Use Map Amendment CPA 2020-02:**

**Rural Residential 5 to Institutional and Public Facilities**



**Exhibit 3 Noah's Ark Zoning Map Amendment REZ 2020-03:  
Agricultural Residential to Institutional and Public Facilities**



**TO:** Planning and Zoning Board

**FROM:** Jim Fleischmann, Town Planning Consultant

**RE:** Proposed Site Plan Amendment SP (A) 2020-03.

**DATE:** August 10, 2020.

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## **I. BACKGROUND INFORMATION**

Christen Hutton and Josh Nichols of Schmidt Nichols, Agent for Preschool Management II, Inc., owner of a 4.88 acre parcel (Subject Site) located on the north side of Okeechobee Boulevard, west of "D" Road. (Ref: Map 1) has filed an application for a site plan amendment on said 4.88 property to revise the list of previously permitted uses.

## **II. GENERAL INFORMATION**

**A. PURPOSE:** Applicant has filed an application to revise a previous development order approval by Palm Beach County prior to incorporation of the Town (i.e. Palm Beach County Resolution 98-11).

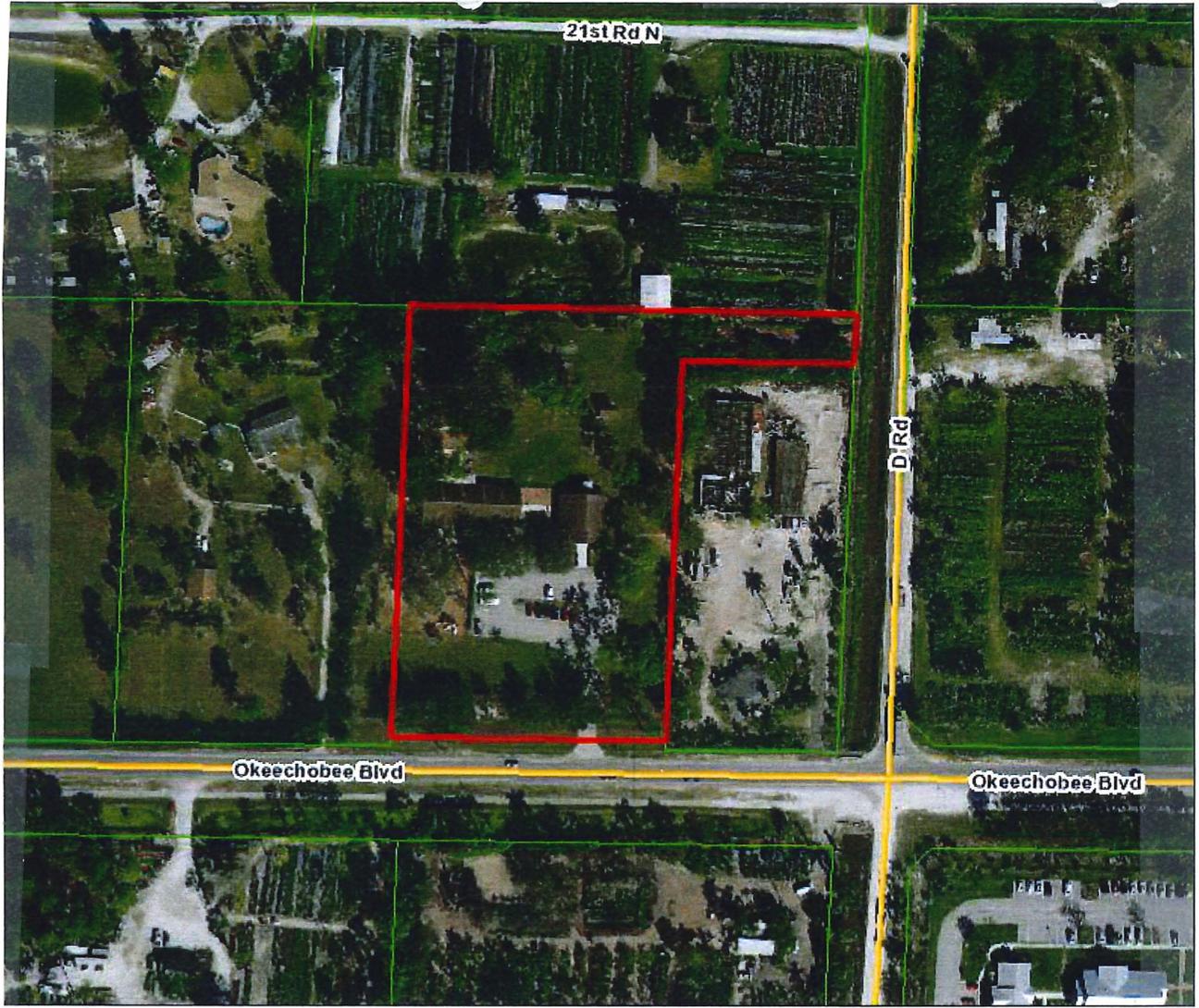
Resolution 98-11 I remains an effective development order. Section 10 *Transition schedule* Subsection (5) *Transitional ordinances and resolutions of the Town Charter* states that all applicable ordinances currently in place at the time of passage of the referendum, unless specifically referenced herein, shall remain in place until and unless rescinded by action of the Town Council.

### **B. DESCRIPTION OF THE PROPOSED SITE PLAN AMENDMENT**

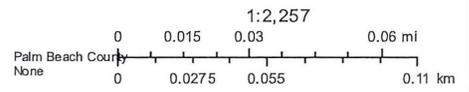
County Resolution 98-11 approved the following uses: (1) an 87 student daycare center; and (2) a 120 seat place of worship. Total approved square footage is 6,160 sq. ft. Exhibit 1 contains the current approval.

Proposed SP (A) 2020-03 will delete the 120 seat place of worship and increase the daycare capacity from 87 to 120 children. The floor area of the proposed daycare facility is slightly reduced to 6,096 sq. ft.; the actual size of the existing structures.

# Map 1 Noah's Ark Site Location

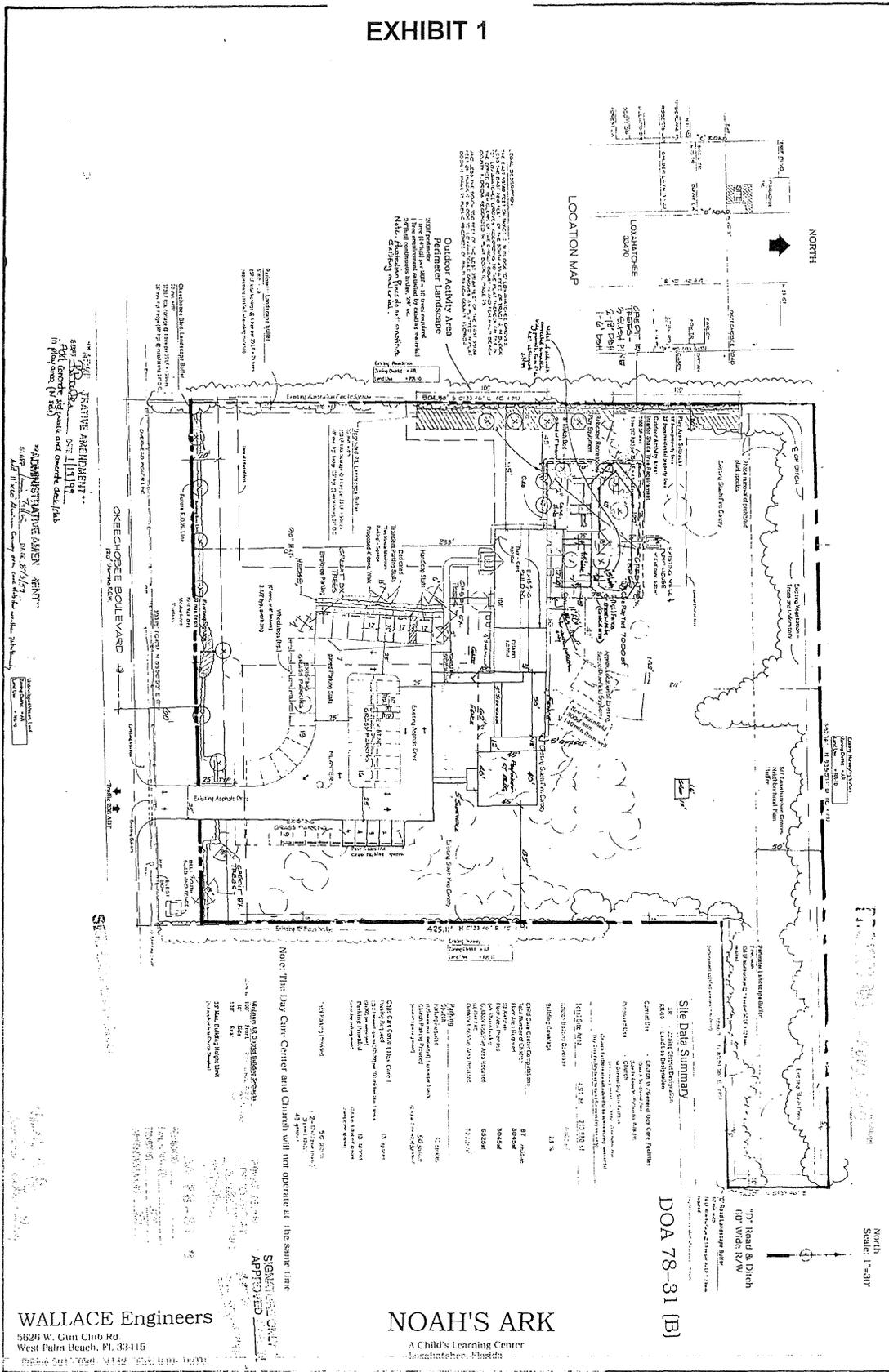


Noah's Ark Preschool



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# EXHIBIT 1



The Application proposes to maintain the County approval (Resolution 98-11) with the exception of the revisions proposed in Section III.1, below (Ref: Exhibit 2), and updating the Conditions of Approval, presented in Exhibit 3.

### **III. SITE PLAN APPLICATION REQUIREMENTS:**

The following are Applicant responses to the submittal requirements of the Site Plan Approval Application:

#### **1. Description of the Project and Site Plan:**

The Applicant proposes the following changes to the approved site plan:

- Increase of daycare capacity from 87 to 120 children;
- Reduction of building coverage from 6,160 sq. ft. to 6,096 sq. ft.;
- Deletion of the grass parking area; and
- Deletion of the place of worship use.

Proposed SP (A) 2002-03 is presented on Exhibit 2.

#### **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, PTC Transportation Consultants. The project will be served by a full access driveway connection to Okeechobee Boulevard.

A trip generation analysis was prepared for daily, AM Peak and PM Peak hour trips. The maximum net new peak hour trip generation is 13 trips. Since the project generates fewer than 21 peak hour trips (i.e. not of significant impact), a traffic study is not required. Therefore, the project is in compliance with the Palm Beach County Traffic Performance Standards.



**EXHIBIT 3**  
**PROPOSED CONDITIONS OF APPROVAL REVISIONS**

EXHIBIT C CONDITIONS OF APPROVAL

A ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-96-1358 R-98-11 (Petition 78-31(A)), have been consolidated as contained herein. ~~The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)~~
2. Development of the site is limited to the uses and site design as approved by the ~~Board of County Commissioners. Town of Loxahatchee Groves. The approved site plan is dated October 12, 1997. June 8, 2020.~~ All modifications must be approved by the ~~Board of County Commissioners~~ Town of Loxahatchee Groves unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. ~~(ONGOING: ZONING)~~

B. HEALTH

1. ~~Application and engineering plans to construct a non-transient non-community water supply system in accordance with Chapter 62-555 FAC and Palm Beach County ECR-11 must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (Previously Condition 8.1 of Resolution R-96-1358, Petition 78-31(A) (DRC: HEALTH)~~
2. ~~The location of the OSTDS and non-transient non-community well shall be shown on final site plan. (Previously Condition B.2 of Resolution R-96-1358, Petition 78-31(A) (DRC: HEALTH)~~
3. ~~Architectural plans must be submitted to the Environmental health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24FAC prior to issuance of a building permit. (Previously Condition B.3 of Resolution R-96-1358, Petition 78-31(A) (BLDG PERMIT: HEALTH)~~
4. ~~Application and engineering plans to upgrade the existing onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 10D.5FAC and Palm Beach County ECR-1 must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)~~

~~5. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Rule 10D-24 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG;~~

~~6. No food preparation or processing will be allowed on this site when an OSTDS is required. (ONGOING: HEALTH/CODE ENF)~~

C. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING OKEECHOBEE ROAD)

1. Landscaping and buffering along the perimeter property lines shall be ~~upgraded~~ maintained to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. One (1) canopy tree planted thirty (30) feet on center;
- c. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location;
- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches; and
- e. Credit may be given for existing or relocated trees or palms provided they meet current ULDC requirements. ~~(Perilously Condition C.1 of Resolution R-96-1358, Petition 78-31(A) (DRC / CO: ZONING / LANDSCAPE)~~

D. LANDSCAPING ALONG WEST PROPERTY LINE 100 FEET NORTH AND 100 FEET SOUTH (ADJACENT TO OUTDOOR PLAY AREA)

1. Landscaping and buffering along the west property line 100 feet north and 100 feet south shall ~~be upgraded to~~ be maintained to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. One (1) canopy tree planted thirty (30) feet on center;
- c. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that

location;

- d Thirty (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches: and
- e. Credit ~~may be~~ is given for existing or relocated trees or palms provided they meet current ULDC requirements. (~~Previously Condition D.1 of Resolution R-96-1358, Petition 78-31(A) (DRC / CO: ZONING / LANDSCAPE)~~)

E. ENGINEERING

- 1. ~~Within ninety (90) days of the Special Exception approval, the petitioner shall convey to Palm Beach County an additional ten (10) feet 1or the ultimate right-of-way for Okeechobee Boulevard. (Previously Co11dition~~

~~E.1 of Resolution R-96-1358, Petition78-31(A) (DATE: ENG).~~

F. USE LIMITATION

- 1. The daycare center shall be limited to a maximum of 87 120 children. (~~ONGOING: DRC/ HEALTH~~)
- 2. ~~The place of worship shall be limited to a maximum of 120 seats. (Previously Condition F.2 of Resolution R-96-1358, Petition 75..31(A) (ONGOING: DRC/ BLDG)~~
- 3. The day care center shall operate during weekdays only. (~~Previously Condition F.3of ResolutionR-96-1358, Petition78-31(A) (ONGOING: CODE ENF)~~)
- 4. ~~Landscape requirements shall be completed prior to October 1, 1997. (Previously Condition F.4 of Resolution R-96-1358, Petition 78-31(A) (DATE/LANDSCAPE: MONITORING-Zoning)~~

G. COMPLIANCE

- 1. Failure to comply with any of the conditions of approval for the subject property 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 ssubject property; and/or

- b. ~~The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or~~
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

~~Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.~~

~~Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)~~

### **3. Drainage and Floodplain Development Statement:**

A drainage statement is not required, as no additional construction or change in elevation of the property is proposed. If any land development activity is undertaken, including construction of the proposed domestic wastewater collection/transmission system, a Floodplain Development Application shall be filed with the town.

#### **4. Natural Features Inventory and Map:**

An environmental response was not required since the structures and improvements detailed in the proposed site plan currently exist.

#### **5. Infrastructure Service Provider Letters:**

The Applicant has provided a letter from Palm Beach County Water Utilities Department (PBCWUD) stating that a 12" water main (potable water) and a 10" forcemain (wastewater) are located within the Okeechobee Boulevard right-of-way adjacent to the property.

The Applicant has received a permit from the Florida Department of Health Palm Beach County, Florida Department of Environmental Protection, PBCWUD, and Palm Beach County Land Development Division for construction of a Domestic Wastewater Collection/Transmission System for the Subject Site. Issuance of the permit, which permits a 4" forcemain connection to the PBCWUD system on the south side of Okeechobee Boulevard, permits the proposed increase in daycare facility capacity to 120 children.

#### **6. Site Plan:**

The Applicant's proposed site plan is presented in Exhibit 2. Proposed Conditions of Approval revisions are presented in Exhibit 3.

#### **7. Engineering Plans:**

Applicant has received a Right-of-Way Construction - Utility Permit from the Palm Beach County Land Development Division and a General Permit for a Wastewater Collection/Transmission System from the Florida Department of Environmental Protection.

Prior to construction of the Wastewater Collection/Transmission System, Applicant shall submit Land Development Permit and Floodplain Development Applications to the Town's Consulting Engineer for review and approval.

## **8. Master Signage Plan:**

One existing double-faced monument sign is located at the project's entrance. The proposed Site Plan indicates the existing sign location and dimensions (80 sq. ft. area; 10 feet maximum height; and a 5 foot setback). Future interior directional signs should be approved by administrative site plan amendment.

## **9. Landscape Plans:**

Current, landscape plans are included on the approved and proposed Site Plans and described in the Conditions of Approval. No revisions are proposed.

## **10. Parking Facility Lighting Plan:**

A Parking Facility Lighting Plan is not included on the current or proposed site plan. Should any lighting be proposed, such facilities shall comply with the requirements of Town ULDC Section 50-030 *Outdoor Lighting*.

## **11. Compatibility Mitigation Measures:**

The existing daycare use itself, approved by Palm Beach County in 1982, was determined to be compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the site. Maintenance of the facility and a change in land use and zoning designations will not effect that determination.

The facility is consistent with, and compliments the rural character of the Town as it addresses a need of for daycare capacity. According to Applicant, 43 of the 87 enrolled children are residents of the Town. Further, there is a waiting list, indicating additional need.

Staggered dropoff times, from 6:30 to 9:00 a.m. minimize peak-hour traffic volumes and assist in congestion control.

The site exceeds the required number of 15 parking spaces by 10, therefore reducing the potential for queuing onto Okeechobee Boulevard during peak hours.

**IV. STAFF FINDINGS:**

The Applicant has proposed revisions to the Site Plan approved by Palm Beach County to delete the approved, but unoccupied, place of worship use and increase the capacity of the existing daycare center which provides a needed service to Town residents. The increase in capacity is supported, as there is an existing waiting list.

The use permitted in the Institutional and Public Facilities future land use and zoning categories, is determined to be consistent with the Comprehensive Plan and ULDC.

**V. STAFF RECOMMENDATION:** Staff recommends approval of Site Plan Amendment Application SP (A) 2020-03 subject to the Conditions of Approval in Exhibit 3, with the following additions:

1. .If any land development activity is undertaken, including construction of the proposed domestic wastewater collection/transmission system, a Floodplain Development Application shall be filed with the town.
2. Prior to construction of the Wastewater Collection/Transmission System, Applicant shall submit Land Development Permit and Floodplain Development Applications to the Town's Consulting Engineer for review and approval.
3. Should any lighting be proposed, such facilities shall comply with the requirements of Town ULDC Section 50-030 *Outdoor Lighting*.
4. Future interior directional signs may be approved by administrative site plan amendment.
5. Prior to consideration by the Town Council, the proposed Site Plan shall be redrawn to clarify dimensions and notes thereon.

It is further recommended that, prior to consideration by the Town Council, the proposed Site Plan shall be redrawn, clearly indicating proposed revisions and dated.

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

**VII. TOWN COUNCIL ACTION:** To be determined

**To:** LOCAL PLANNING AGENCY  
**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:** August 20, 2020

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At the July 30, 2020 meeting, the Local Planning Agency (i.e. PZB) passed the following recommendations related to the Planning Grant amendments:

1. Approve proposed CPA 2020-01 Transportation Element map and text amendments (i.e. Transportation Element Map Amendments TRN 2.3 and 2.3.1 and Text Amendments Table TRN 2-1 and Policy 2.2.5 and Future Land Use Element Policy 1.1A.1); and

2. Continue consideration of proposed CPA 20-01 Future Land Use Element Map FLU 1.10, Table 1-8, and text amendments Policy 1.2.5, 1.2.6 and Objective 1.16 and supportive Policies. A continuance was recommended due to public involvement limitations due to the COVID-19 Virus. As a result, more time is needed to review these amendments.

At the August 4, 2020 meeting, the Town Council voted to approve the FDEO Grant Comprehensive Plan Amendments on First Reading. They will be submitted to local, regional and state reviewing agencies for a 30-day comment. After that, the Town has 6 months to consider Second Reading (i.e. approval) of the amendments.

In addition, the Council directed staff to have the PZB and ULDC Advisory Committee further review the proposal and bring back recommendations .

As the LPA recommended approval of the Transportation Elements, additional review efforts will be concentrated on the Future Land Use Elements, which are attached.

Considerable discussion by the Town Council took place prior to the motion to approve Ordinance 2020-03. The discussion was related to clarifying several issues and identifying those that need to be considered between First and Second reading of the ordinance. These issues should give LPA members some direction in terms of Council thinking on the subject. In summary, issues that need further consideration include:

1, Further detail on how non-conforming uses along Okeechobee Boulevard are to be addressed.

①

2. Require that only native trees (e.g. oaks and pines) be used as landscape material in future development projects along Okeechobee Boulevard.

3. Prepare a list of excluded (i.e. prohibited) uses along Okeechobee Boulevard.

4. The Overlay should emphasize minimum impact to residents of Loxahatchee Groves.

5. Larger than normal (e.g. 40 feet in front and 100 feet in the rear) "greenbelt" buffers/setbacks should be required in the Overlay.

6. The F.A.R. for self-storage uses needs to be refined and a maximum determined.

7. The financial impact of implementing the Overlay needs to be considered.

However, the LPA is not limited to the above list.

2

**ATTACHMENT A**

**Revised Map #FLU-1.10 Future Land Use Map**

**Okeechobee Boulevard Overlay Addition to the Future Land Use Map**

③



# Town of Loxahatchee Groves 2030 Future Land Use Map Proposed Amendment

June 2020

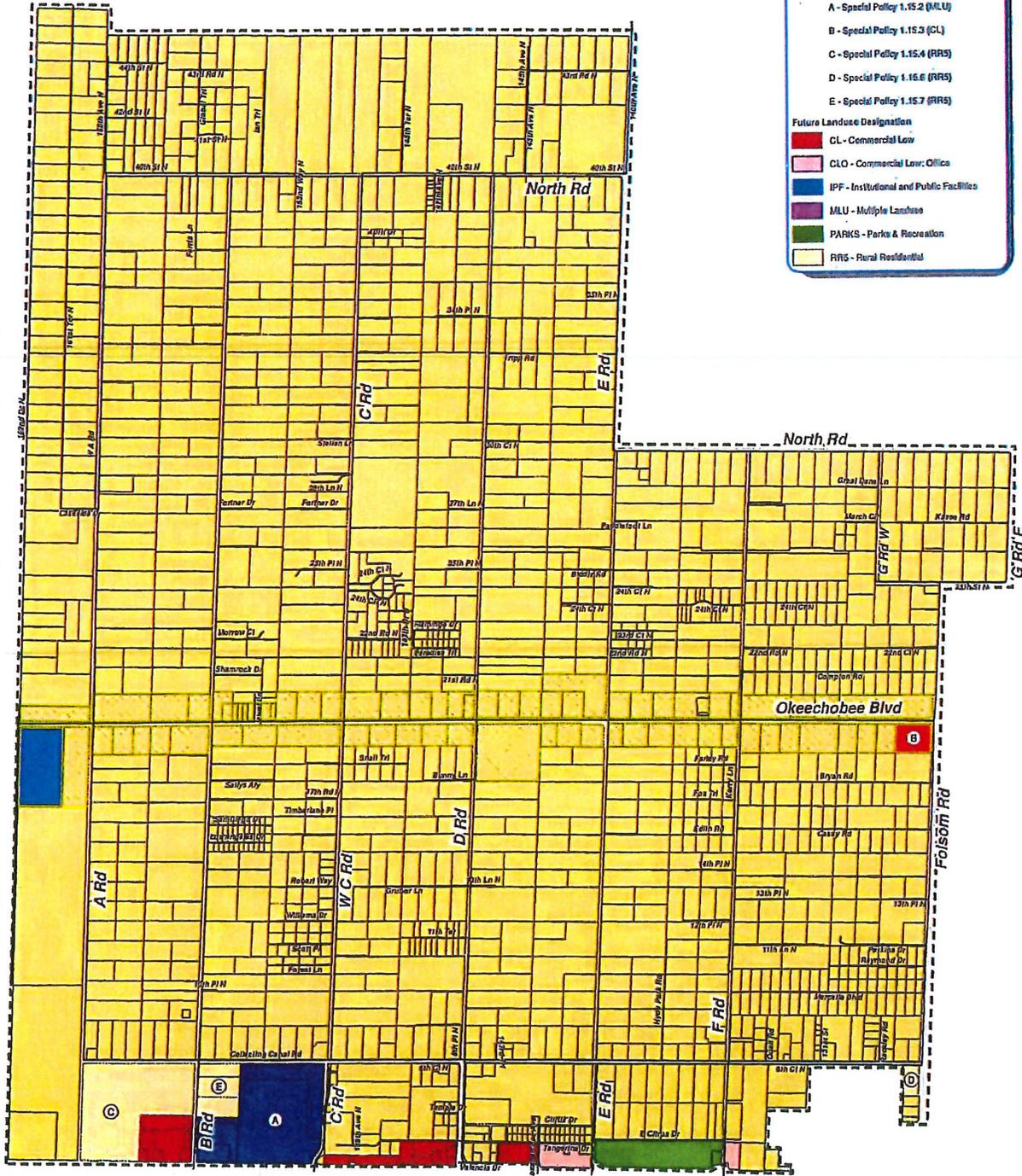


0 2,000 Feet

## ATTACHMENT A – Revised Map #FLU-1.10 Future Land Use Map

### Legend

- Municipal Boundary
- Roadway
- Parcels In City
- ORS Overlay - Okeechobee Rural 5 Overlay
- Special Policy Assigned**
  - A - Special Policy 1.15.2 (MLU)
  - B - Special Policy 1.15.3 (CL)
  - C - Special Policy 1.15.4 (RRS)
  - D - Special Policy 1.15.6 (RRS)
  - E - Special Policy 1.15.7 (RRS)
- Future Land Use Designation**
  - CL - Commercial Low
  - CLO - Commercial Low: Offices
  - IPF - Institutional and Public Facilities
  - MLU - Multiple Landuses
  - PARKS - Parks & Recreation
  - RRS - Rural Residential



④<sup>6</sup>



## ATTACHMENT B

### 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.

5

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 C**

**Proposed Table # FLU 1-8 Amendment**

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

9

**ATTACHMENT D.2 – Proposed Table # FLU 1-8 Amendment**  
 (Underlined text is an addition to and struckthrough text is a deletion from existing text)

**Table 1-8 Future Land Uses**

<i>Land Use Category</i>	<i>Density</i>	<i>Intensity (Maximum Floor Area Ratio)</i>	<i>Uses</i>
<b>RESIDENTIAL</b>			
Rural Residential 5 (RR-5)	1 du/5 acres	0.2 (non-residential uses only)	Single-family dwelling units, public schools, and limited institutional and public facilities. Agricultural uses shall be compatible with a rural residential neighborhood.
<b>COMMERCIAL</b>			
Commercial Low Uses (CL)		<del>0.10</del> <b>0.15. Exception</b> Refer to Policy 1.2.6	A limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas.. Limited institutional and public facilities allowed.
Commercial Office Uses - Commercial Low (CL-O)		0.20	Offices for administrative, professional and business purposes; banking and financial institutions; membership organizations; and, uses that are accessory to the office use including restaurants and public schools. Limited institutional and public facilities allowed.
<b>INSTITUTIONAL</b>			
Institutional and Public Facilities (INST)		0.10	Uses permitted in the Institutional and Public Facilities future land use designation include a full range of regional and community uses such as educational; child care facilities and adult day care facilities; congregate living facilities; medical and accessory offices; hospitals, public health clinics, emergency shelters; governmental, religious, cemetery, civic, cultural, judicial and caretakers' quarters.
<b>PARKS AND RECREATION</b>			
Parks and Recreation (PARK)		0.10	Developed or planned sites owned by a governmental entity that provide the public an opportunity to partake in a variety of recreational activities that may be active, passive, or special in nature in a safe and convenient manner that is compatible with its environs.

12

8

<i>Land Use Category</i>	<i>Density</i>	<i>Intensity (Maximum Floor Area Ratio)</i>	<i>Uses</i>
<b>CONSERVATION</b>			
Conservation (CON)		0.05	Natural areas for the purpose of conserving or protecting natural resources or environmental quality. These areas may be used for wildlife management, passive recreation, and environmental restoration/preservation. The Town shall designate lands which contain natural resources that are to be protected, restored, enhanced, and managed, as appropriate, to sustain viable ecosystems and wildlife habitat and natural resources. These natural areas may include site improvements to support uses which are deemed appropriate and consistent with the function of the designated area.
<b>MULTIPLE LAND USE</b>			
Multiple Land Use (MLU)	Ref: Policy 1.1.14	Ref: Policy 1.1.14	Parcels planned to incorporate multiple Town land use categories, as defined herein, within a unified development concept. Uses may vary from parcel to parcel, depending upon the approved mix of Town land use categories incorporated therein, consistent with Policy 1.1.14 and site specific policies, per Objective 1.15.
<b>OKEECHOBEE RURAL 5 OVERLAY</b>			
<b>Okeechobee Rural 5 (OR 5) Overlay</b>	<b>1 du/5 acres</b>	<b>0.10</b>	<b>Uses permitted in the Okeechobee Rural 5 Overlay include agriculture, residential and limited commercial and institutional uses consistent with Objective 1.16</b>

**Notes:**

1. The density calculation for a property is based on the property's gross acreage.
2. That portion of a property dedicated for right-of-way in exchange for compensation may not subsequently be included with the parent property or another property for the purpose of a density or intensity calculation.

13-

9

**TOWN OF LOXAHATCHEE GROVES  
PLANNING AND ZONING BOARD  
August 20, 2020**

**PALMS WEST PLAZA SITE PLAN AMENDMENT STAFF SUMMARY:**

**I. Site Plan Amendment Application SP (A) 2020-4 Palms West Plaza**

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

**Agent:** Lauren McClellan, JMorton Planning and Architecture

**Applicant:** Yee's Corporation (Kan Yee, President, Yee's Corporation) and Postal Properties L.L.C. (Doug Dermit, Manager)

**Owner:** Yee's Corporation (Kan Yee, President, Yee's Corporation) and Postal Properties L.L.C. (Doug Dermit, Manager)

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

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

**Size of Property:** 7.9638 acres.

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

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

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

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

**II. Approval History**

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

The special exception approval from the Palm Beach County Board of County Commissioners permitted a Planned Commercial Development, including a Daycare Center, Automobile and Farm Equipment Repair Facility.

A second special exception approval was granted by Palm Beach County on September 27, 1988 (Resolution R-88-1546) to redesign the site plan as a large scale community shopping center consisting of 57,625 square feet and subject to conditions of approval. . The property was granted a Town-initiated rezoning on December 4, 2012, from Palm Beach County CG-General Commercial and Planned Commercial Development to Loxahatchee Groves Commercial Low (Town Ordinance 2012-11). Although the Town's Commercial Low District allows a maximum F.A.R. of 0.10, the previously approved site plan was grandfathered under Paragraph (5) *Transitional Ordinances and Resolutions* of Section 10 *Transition Schedule* of the Town Charter. Section 10 directs that Palm Beach County approvals for the subject property remain in effect until such time that they are rescinded by the Town Council. As a result, the final certified site plan titled "Loxahatchee Country Plaza Phase – 2" and conditions of approval are vested until they are rescinded or amended by the Town Council. Principal buildings identified on the certified site plan include:

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

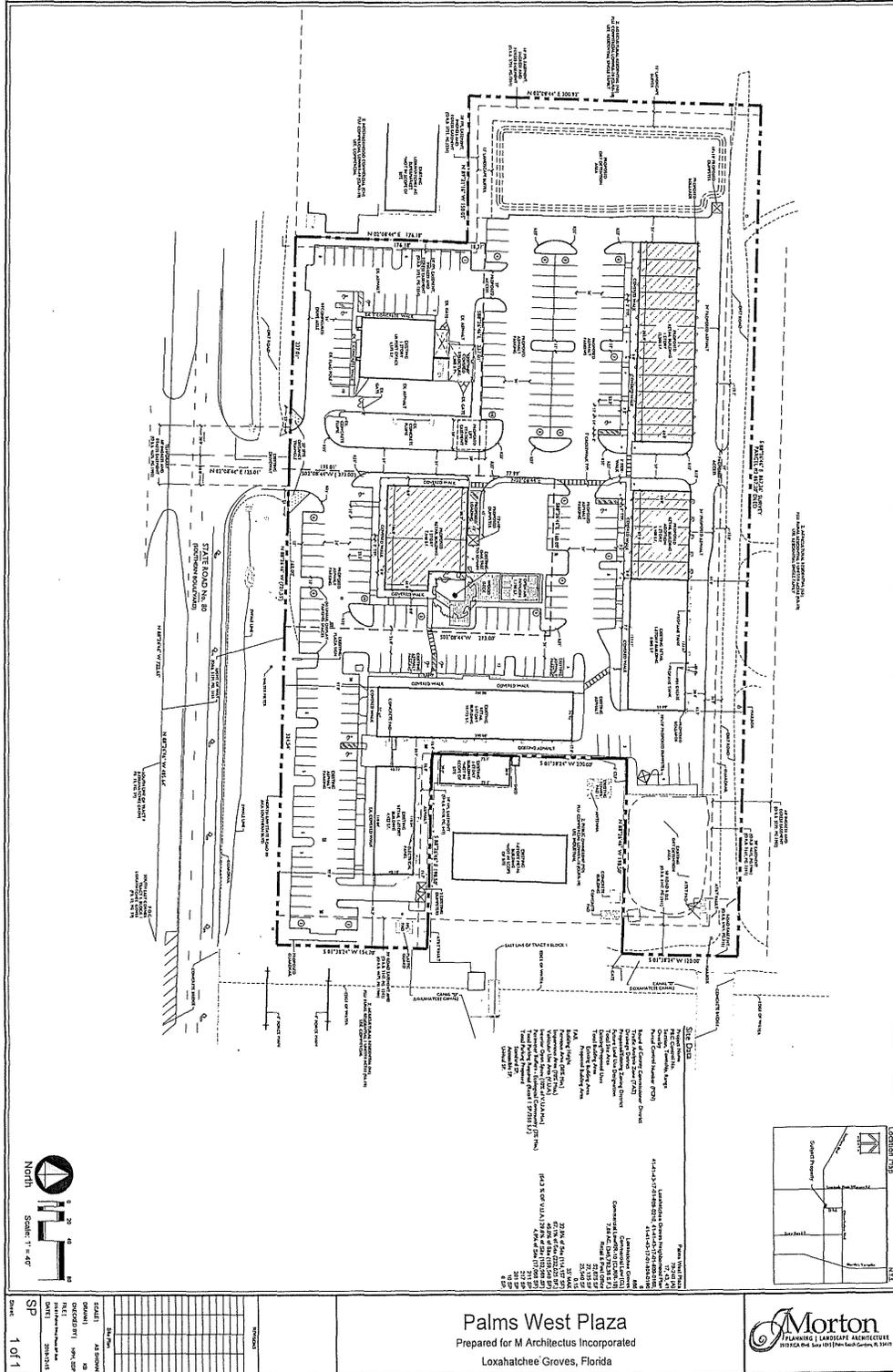
In summary, the final certified site plan (Ref: Exhibit 1) uses include: Local retail (39,650 sq. ft.); day care center (6,000 sq. ft.); post office (4,575 sq. ft.); and lease parcel (7,400 sq. ft. of undetermined use). Total approved space is 57,625 sq. ft. Two take-out only restaurants (total of 2,500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

### **III. Application Summary**

The Applicant has requested site plan amendment approval of a 52,675 sq. ft. commercial center consisting of 5 retail buildings (a total of 48,100 sq. ft.) and a U.S. Post Office building (4,575 sq. ft.). The proposed site plan is presented in Exhibit 2. The proposed site plan includes 3 existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.) and the existing U.S. Post Office building (4,575 sq. ft.); an existing on-site total of 27,135 sq. ft.



# Exhibit 2 – Proposed Site Plan



Palms West Plaza  
 Site Plan Amendment SP(A) 2020-04  
 August 20, 2020

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

The total building square footage including existing and proposed additional space is 52,675 sq. ft. All buildings are one- story in height. The certified site plan allows a total of 57, 625 sq. ft. The proposed site plan includes a total of 52,675 sq. ft.; 4,950 sq. ft. less, than the existing final certified site plan. Based on the total 7.96 acre site, the total proposed site plan floor area ratio is 0.152; a reduction from the approved F.A.R. of 0.166.

In addition to a proposed site plan revision, the Applicant is proposing revisions to previously approved Conditions of Approval. Previously approved Conditions of Approval, including Applicant proposed revisions are presented in Attachment A.

**IV. Support Documents**

Item	Content
Proposed Amended Site Plan dated 12/15/2019,	The proposed site plan includes 3 existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.) and the existing U.S. Post Office building (4,575 sq. ft.). Two new commercial buildings are proposed; 12,200 sq. ft. and 7,940 sq. ft. In addition, a 5,400 sq. ft. expansion to the existing 8,005 sq. ft. building is proposed. A total of 52,675 sq. ft. of building area is proposed.
Drainage and Floodplain Statements	Drainage system to consist of exfiltration systems and dry detention areas which will have a legal positive outfall through an existing control structure and outfall to the C-51 Canal. The proposed development was previously permitted per SFWMD Permits 82-72 and 50-01659-S-02. C-51 Basin compensating storage is being met with this project. The SFWMD criteria for this project will be a water control elevation of 10.50 NAVD; minimum road elevation of 14.75 feet NAVD and minimum finished floor elevation of 17.6 NAVD. Road and finished floor criteria will exceed the calculated 5-year and 100-year storms.
Landscape Plan dated 12/15/2019	Existing map and tabular tree inventory (trees to be removed and to be preserved); locations of buffers and landscaped areas; landscape materials by species; location of multi-use trail.
Photometric Plan	Lighting locations and specifications; lumens assessment map.
Architecture	Elevations and floor plans for buildings #1. #2 and #3
FDOT Approval Letter dated 12/18/2019, Traffic Study dated 12/5/2019 and Palm Beach County Traffic Performance Standards review.	FDOT Pre-Application approval for a right-in, left-in, right-out driveway connection to Southern Boulevard. Expansion to generate the following net trips: Average daily – 911 A.M. Peak – 15; P.M. Peak – 83. P.M. Traffic impacts upon several links of Southern Boulevard and Binks Forest Drive are projected. However, the expansion to 6 lanes can accommodate the net trips. PBC Traffic Division finds the development meets the Traffic Performance Standards of PBC. . The TPS letter from Palm Beach County provides a buildout date of December 31, 2024.

## V. Staff Report Summary

### A. Adjacent Land Uses

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

### B. Infrastructure Impacts

<b>Infrastructure Service</b>	<b>Summary</b>
Water/wastewater	Letter from Palm Beach County Water Utilities Department (PBCWUD) stating that PBCWUD is the potable water and wastewater provider for the property. PBCWUD is able to maintain the established level of service for the existing 27,135 sq. ft. center and will be able to accommodate the proposed intensity increase to 52,625 sq. ft. of commercial space.
Surface Water Management	Drainage statement provided (Attachment I of the Site Plan Amendment Application). Legal positive outfall via an existing control structure to C-51 Canal. The existing structure to regulate discharge to SFWMD Equalizing Canals per C-51 Basin discharge criteria. Drainage system to be approved by the Town's Consulting Engineer as part of the land development review process prior to initial building permit.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant to be served by Town Contract Hauler.
Transportation	Traffic Analysis provided by JFO Group, Inc. Study concludes that projected peak-hour traffic will meet Palm Beach County TPS standards. Letter (12/17/2019) from County Traffic Division states that the proposed expansion project meets the PBC TPS with a buildout date of December 31, 2024. FDOT Approval Letter requires access to Tangerine Drive.
Parks and Recreation	Not Applicable – Commercial land use and zoning
Public Schools	Not Applicable – Commercial land use and zoning
FIRE/EMS	Letter from Palm Beach County Fire/Rescue stated that the served by Station #21, located at 14200 Okeechobee Blvd. A letter from Fire/Rescue indicated an estimated response time of 7 minutes, less than the average for this station zone. The site plan amendment will have minimal impact on Fire Rescue services.

**C. Environment**

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

**D. Comprehensive Plan Consistency**

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

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

Site Plan SPA 2020--04 which proposes a 52,675 sq. ft. commercial development is consistent with the 57, 625 sq. ft. commercial center previously approved by Palm Beach County.

Based upon the above, proposed Site Plan Amendment SP (A) 2020-04 is consistent with its current approval, and the following Comprehensive Plan directives:

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

### E. Zoning Requirements: CL Zoning District

Regulation	Standard	Property/Complies?
Minimum lot size	1 acre	7.96 acres/Yes
Frontage and Access	Paved Collector or Arterial	Southern Blvd./Yes
Minimum frontage/width	150 feet	722 feet/Yes
Minimum depth	150 feet	477 feet/Yes
Maximum Floor-Area-Ratio	0.10	0.15/Yes*
Maximum building and roofed structures lot coverage	25%	18.6%/Yes
Front setback	50 feet	65 feet/Yes
Side setback	25 feet	16.4 feet/Yes**
Side street setback	25 feet	74.2 feet/Yes
Rear setback	50 feet	61.2 feet/Yes***
Minimum pervious area	30%	37%/Yes
Maximum building height	35 feet	35 feet maximum/Yes

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

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

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

### F. Architecture

Architectural plans, including elevations and floor plans, are included in Attachment C. The proposed renovations and development plans are consistent with the following aspects of the Rural Vista Guidelines:

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

### G. Compatibility

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

Southern Boulevard, currently being expanded to a 6-lane section, abuts the property to its south. The Loxahatchee Groves Water Control District offices, in part, and the "D" Road Canal

about the property to its east. To the west are a convenience store (Loxahatchee AG Market), in part and a vacant AR-zoned property, in part.

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

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

#### **H. Staff Finding and Recommendation**

Staff finds the proposed Site Plan Amendment, dated May 20, 2020, consistent with the Town's Comprehensive Plan, ULDC zoning requirements and Site Plan criteria and recommends approval of Site Plan Amendment Application SP(A) 2020-04, subject to the Conditions of Approval presented in Attachment B.

#### **I. Planning and Zoning Board (PZB) Recommendation**

At its August 20, 2020 meeting, PZB voted to recommend approval/denial by a x – y vote.

**ATTACHMENT A**  
**Proposed Revisions to Existing Conditions of Approval**

**RESOLUTION R-79-1642 – No Conditions**

**RESOLUTION R-79-1643**

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

*Strike. State Road 80 expansion is currently under construction. No additional ROW has been requested by FDOT.*

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

*Strike. This condition was subsequently deleted by R-88-1546.*

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

*Strike. FDOT Conceptual driveway permit has approved proposed configuration and requested right-turn lane to be retained. Configuration of access to SR 80 will ultimately be approved by FDOT.*

~~4. Petitioner shall:~~

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

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

*Strike. State Road 80 has been designed and is currently under construction.*

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

*Strike. A signal at the project entrance may be too close to the one proposed at D Road and State Road 80. Additionally, the Applicant is proposing to allow access to D Road from Tangerine Road.*

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

*Strike. A Floodplain Development application has been preliminarily provided to the Town and a final Floodplain Development application with required attachments will be provided to the Town at the time of building permit.*

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

~~Commercial — \$37,000~~

~~Office — \$ 6,000~~

~~Garage — \$ 2,500~~

~~Day Care — \$ 2,000~~

*Strike. No conditions of approval have been proposed by the County Engineering Division. The applicant will be required to pay County impact fees at the time of building permit.*

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

*Retain.*

9. ~~Petitioner must maintain Tangerine Road perpetually. Direct ingress and egress to the commercial development from Tangerine Drive shall be permitted provided that the Owner shall pave/surface, as determined by the Town, Tangerine Drive along the north side of the property to "D" Road.~~

*Modify. Incorporate access and maintenance into condition as previously discussed/negotiated with the Applicant as well as in conformance with proposed site plan.*

#### **RESOLUTION R-88-1546**

1. ~~The developer shall comply with all previous conditions of approval unless expressly modified herein. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.~~

*Modify. All previous conditions have been addressed and will be incorporated into a new resolution.*

~~2. Prior to site plan certification, the site plan shall be amended to indicate the following:~~

~~a) parallel parking stalls a minimum of twenty-two (22) feet in length.~~

*Strike. Not parallel parking spaces are proposed by the Applicant.*

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

*Strike. Unity of Title has been recorded covering all property except the Post Office.*

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

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

6. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.

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

8. ~~No further clearing shall take place on site. The remaining oaks and other native vegetation shall be preserved and incorporated into the project design. Any vegetation removal activities shall comply with the permit requirements of the Town Unified Land Development Code. Project landscaping shall conform to the Landscape Plan approved by the Town.~~

*Modify. Applicant will submit Vegetation removal permit at time of building permit application consistent with the landscape plan materials submitted with this application.*

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

~~10. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.~~

*Strike. The Property is currently connected to Palm Beach County Water & Sewer.*

~~11. Since sewer is available to the property, a septic tank shall not be approved for use on the property.~~

*Strike. The Property is currently connected to Palm Beach County Water & Sewer.*

12. Condition No. 2 of Petition 79-240 presently states:

“2. Petitioner shall construct the frontage road within the projects property limits” is hereby deleted.

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

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

<del>Commercial</del>	<del>\$37,000</del>
<del>Office</del>	<del>\$ 6,000</del>
<del>Garage</del>	<del>\$ 2,500</del>
<del>Day Care</del>	<del>\$ 2,000”</del>

~~Is hereby amended to state:~~

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

*Strike. No conditions of approval have been proposed by the County Engineering Division. The applicant will be required to pay County impact fees at the time of building permit.*

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

*Strike. A Floodplain Development application has been preliminarily provided to the Town and a final Floodplain Development application with required attachments will be provided to the Town at the time of building permit.*

~~15. No access shall be permitted onto West Tangerine Road or West "D" Road.  
Strike. See proposed modified Condition # 9 from R-79-1643 above.~~

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

~~Strike. No conditions of approval have been proposed by the County Engineering Division. The applicant will be required to pay County impact fees at the time of building permit.~~

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

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

~~Strike. No conditions of approval have been proposed by the County Engineering Division.~~

~~18. A minimum of 14,650 square feet of gross leasable area of the proposed plaza shall remain as office use. Land use and intensity of development of the property shall be regulated by the application of the following: Intensity of development shall not exceed a floor are ratio (FAR) of 0.16 in order to accommodate a maximum of 55,425 SF of general commercial and Post Office uses.~~

~~Modify. No limitation of office is being proposed. The Application will develop consistent with the proposed Site Plan and consistent with the previously vested FAR.~~

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

~~Strike. State Road 80 expansion is currently under construction. No additional ROW has been requested by FDOT.~~

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

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

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

23. No gasoline sales shall be permitted on site.

**ATTACHMENT B**  
**PROPOSED CONDITIONS OF APPROVAL SP (A) 2020-04**

**GENERAL**

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in the approved Site Plan is dated May 20,2020. All modifications thereto must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
3. Direct ingress and egress to the commercial development from Tangerine Drive shall be permitted provided that the Owner shall pave/surface, as determined by the Town, Tangerine Drive along the north side of the property to "D" Road.
4. The preserve area requirements may be incorporated within project buffer and/or interior open space areas and identified on the Final Landscape Plan.
5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and approve the following plans for consistency with Site Plan SP (A) 2016-01: Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
6. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer and Town Manager shall review said permit applications for consistency with the following approved plans Site Plan dated May 20, 2020, Landscape Plan dated December 5, 2019, and Architectural Plans per Attachment J of SP(A) 2020-04..
7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be filed with the Town prior to applying for an initial building permit.

**USE LIMITATIONS**

1. Land use and intensity of development on the property shall be regulated by the application of the following:
  - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.152 in order to accommodate a maximum of 52,675 sq. ft. of general commercial, and Post Office uses.
2. Building height shall be limited to one story.

3. Access to Tangerine Drive shall be indicated on the Site Plan. Tangerine Drive Improvements and maintenance responsibilities shall be determined by the Town.
4. No storage or placement of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
6. Vehicle or implement repairs shall take place entirely within an enclosed building.
7. No car wash or gasoline sales facilities shall be permitted on the Subject Site.

## **ARCHITECTURAL**

1. Architectural features and elevations shall comply with the "Palms West Plaza Architectural Plans" documents included in Attachment J of SP(A) 2020-04.
2. The rear façade of the shopping center shall be given architectural treatments consistent with the front of the center to avoid an incompatible appearance.

## **ENGINEERING**

1. Consistent with the Palm Beach County Traffic Performance Standards Review (TPS Review) dated December 17, 2019, and incorporated herein by reference, no building permits shall be issued after December 31, 2024 unless: (1) an Executive Order of the Governor of Florida extends the date; or (2) an updated TPS Review is issued by Palm Beach County extending the buildout date.
2. Surface water management system calculations and an Irrigation plan shall be included with documents submitted to the Town Engineer for review and approval during the Land Development Review Process.
3. Configuration of access to SR 80 will ultimately be approved by FDOT.
4. A Floodplain Development Application shall be filed with the Town prior to filing the initial building permit application with Palm Beach County.
5. A current surface water management permit, if required, from the South Florida Water Management District must be filed with the Town prior to any land clearing activities.
6. Generation and disposal of hazardous effluents into the sanitary sewerage system shall be prohibited unless adequate pretreatment facilities are approved by the Florida Department of Environmental Protection and the Palm Beach County Water Utilities Department.

## **LAND CLEARING AND LANDSCAPING**

1. Any vegetation removal activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required vegetation removal permit application, a written statement, supplemented by appropriate graphics, shall be submitted detailing how the requirements of ULDC Section 85-050 (H) "*Preserved/created ecological communities*" are satisfied.
2. Project landscaping shall conform to the Landscape Plan dated December 5, 2019.

## **EXTERIOR LIGHTING**

1. All lighting shall conform to the Photometric Plan dated July 11, 2014.
2. All exterior lighting shall be low intensity and directed downward and away from adjacent properties, shining only on the Subject Site, and contain shields to contain lighting within the property boundaries.

## **PALM TRAN**

1. Not Applicable.

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

1. The approved Site Plan shall indicate 212 standard and 12 handicap parking spaces. Standard parking spaces shall be sized at 11' x 22.5' unless a variance is approved by the Town Council allowing a smaller size.
2. Paved parking on the property shall not exceed the code-required 228 standard and handicap spaces and 6 U-Haul outdoor storage spaces.
3. Outdoor storage of U-Haul vehicles shall be limited to 6 parking spaces as located on the Site Plan dated May 20, 2020.. No additional outdoor storage or display areas shall be permitted unless approved by the Town Council.

## **SIGNS**

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*.
2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.
3. The number of monument signs shall be limited to the following:
  - One shopping center free-standing monument signs at the project entrance drive at Southern Boulevard with a maximum sign face of 72 sq. ft.

4. No off-premise signs shall be permitted on the Subject Site.

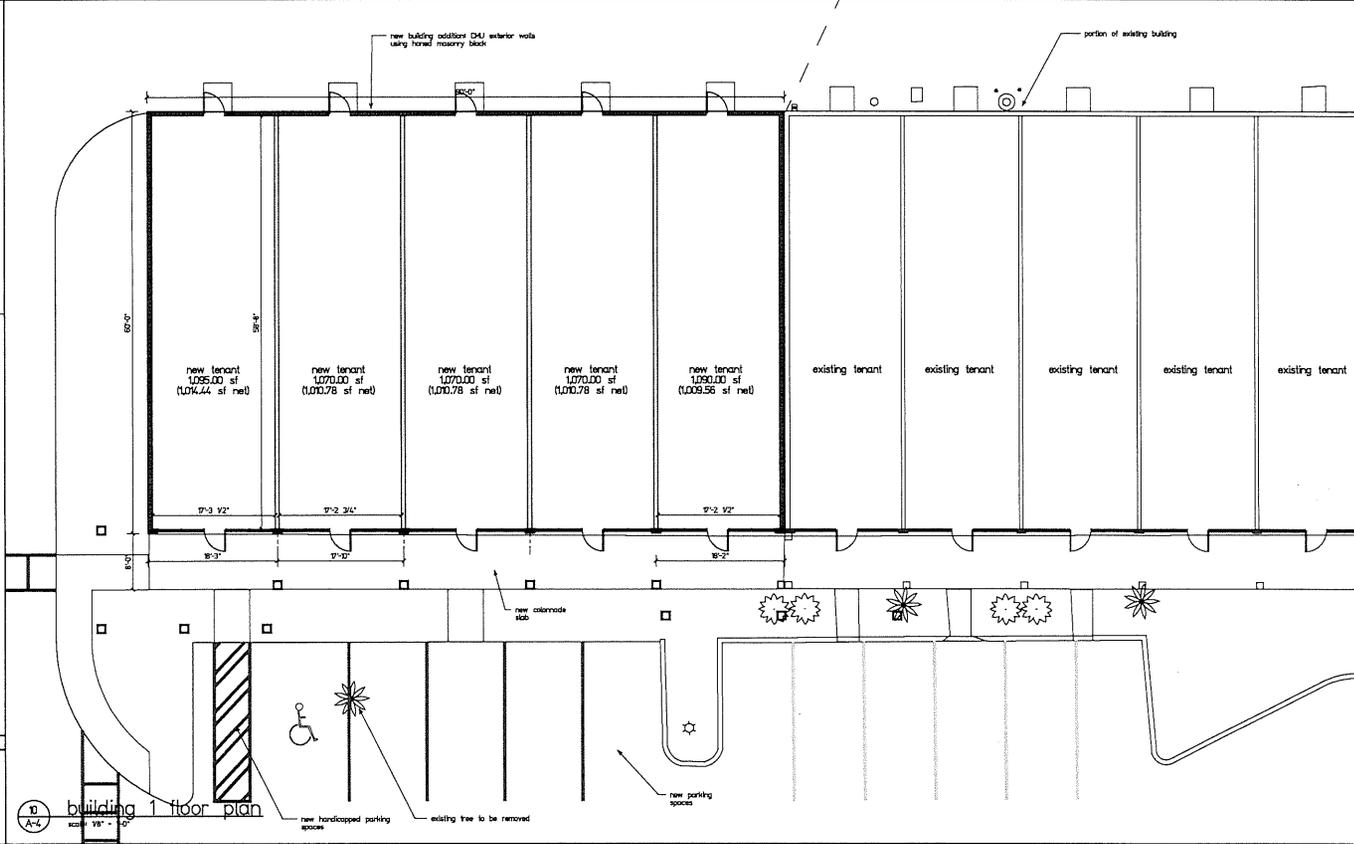
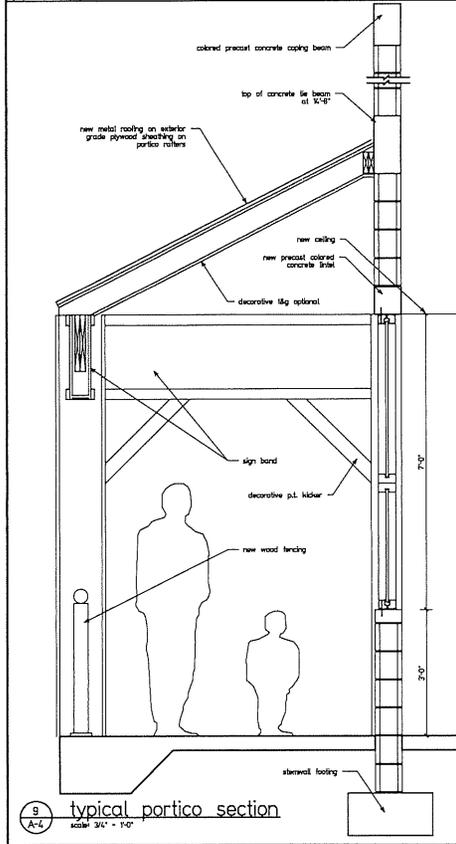
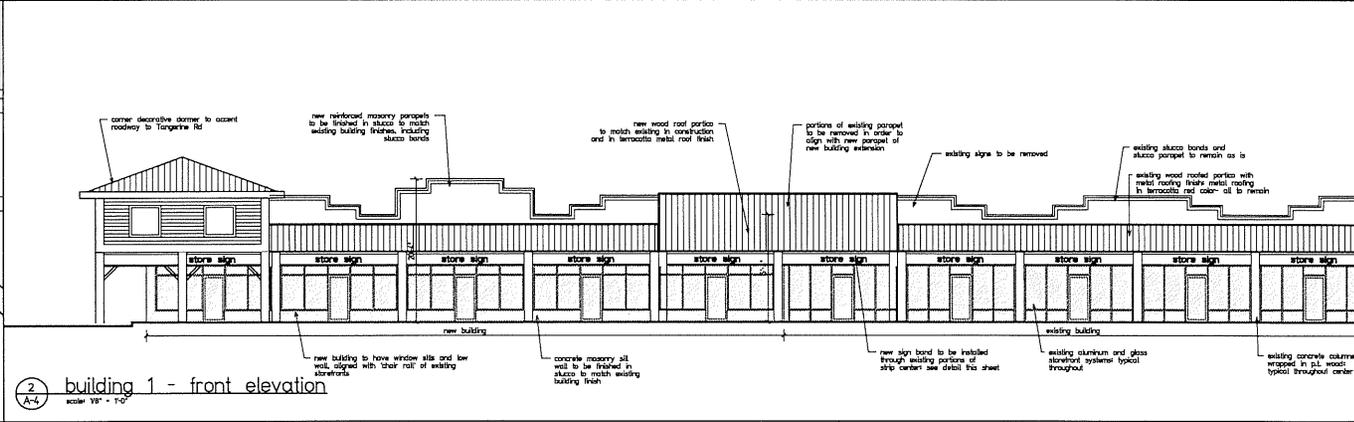
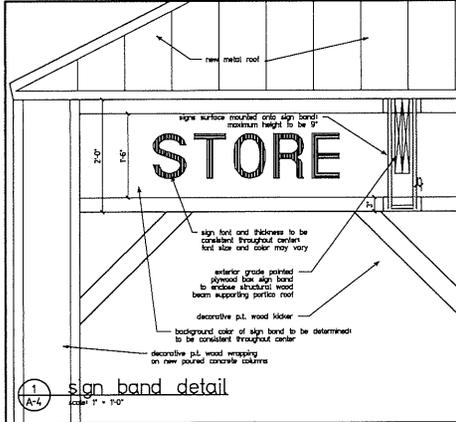
#### **UTILITIES AND SERVICES**

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

#### **ATTACHMENT C**

#### **PROPOSED ARCHITECTURAL PLANS SP (A) 2020-04**

ATTACHMENT C  
PROPOSED ARCHITECTURAL PLANS SP (A) 2020-04



www.kanarchitect.com  
Architect  
Kan Yee  
2003 NW Blue Ridge Blvd, Suite 102  
Boca Raton, FL 33431  
Tel: 561.337.8800  
Fax: 561.337.8888

**Architect**

Marcelo Peres AR076852

client: Kan Yee  
project: expand existing strip center  
address: 14555-14595 Southern Blvd  
Loxahatchee Grovesm Fl 33470

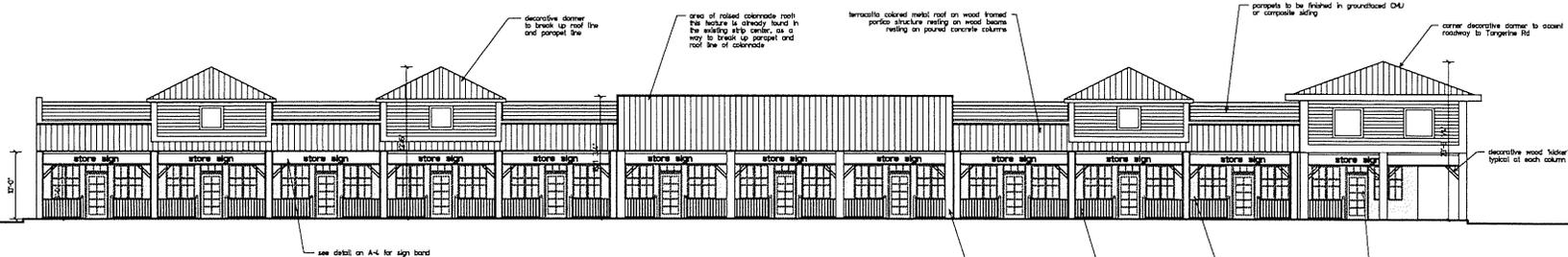
for DRC approval

building 1 plan front elevation, typical portico section and sign band detail

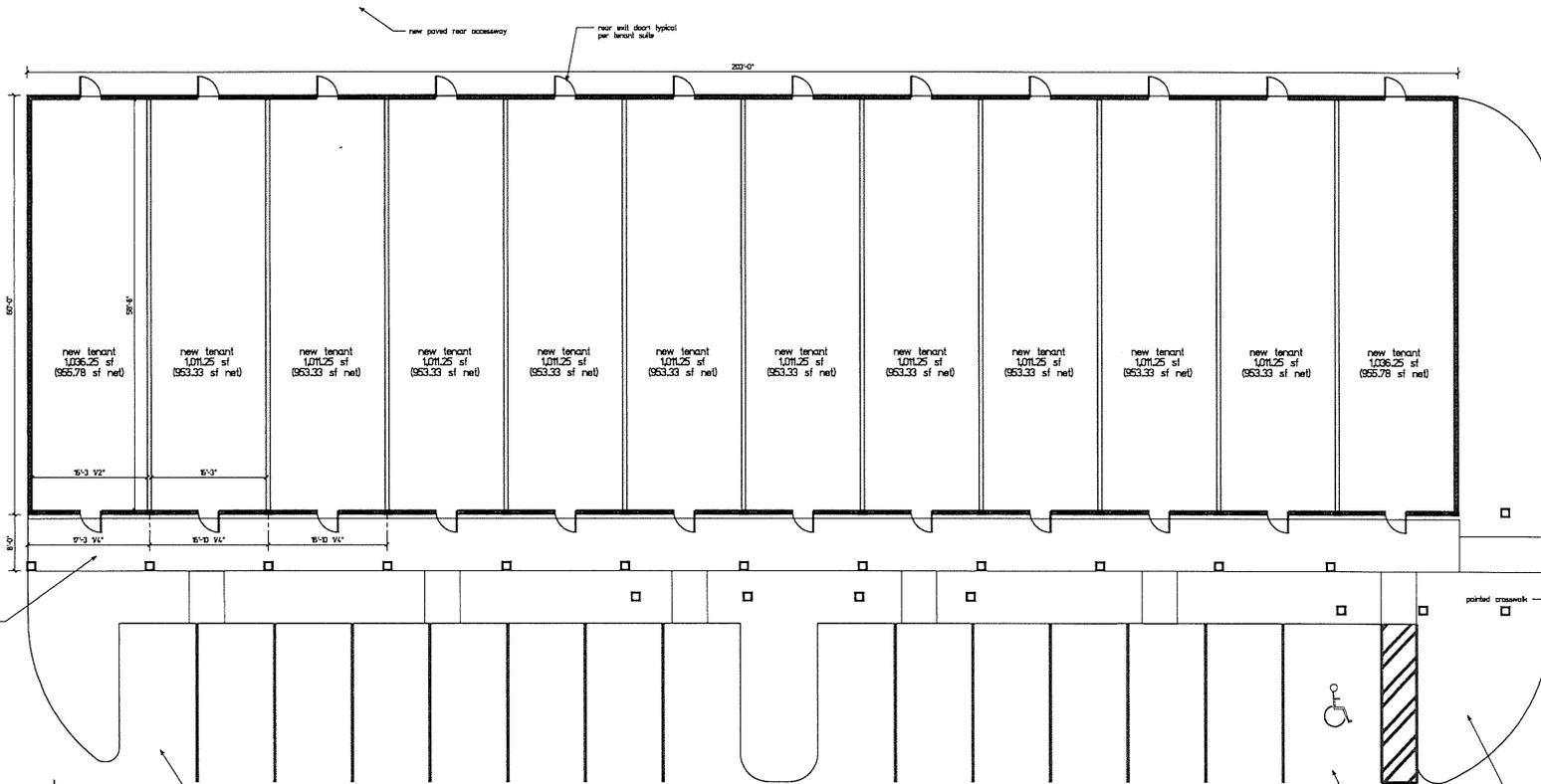
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A-4  
Sheet X of X

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1  
A-5 building 2- front elevation  
scale 1/8" = 1'-0"



2  
A-5 building 2 floor plan  
scale 1/8" = 1'-0"

www.architectusa.com  
 7263 NW Ocean Ridge Blvd Suite 102  
 Boca Raton, FL 33433  
 Phone: 561.347.8888  
 Fax: 561.347.8889  
 Architect  
**Architectus**  
 100000278

Marcello Pensa AHD0662

client: Kan Yee  
 project: expand existing strip center  
 address: 14555-14595 Southern Blvd  
 Loxahatchee Grovesm Fl  
 33470

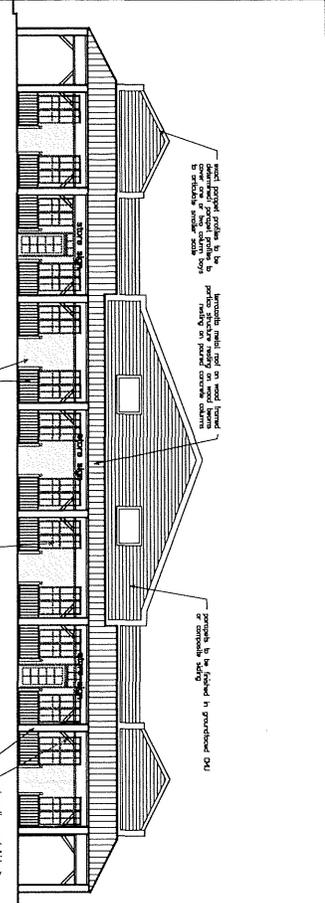
NO.	DATE	DESCRIPTION

for DRC approval  
 Date: building 2 floor plan and front elevation

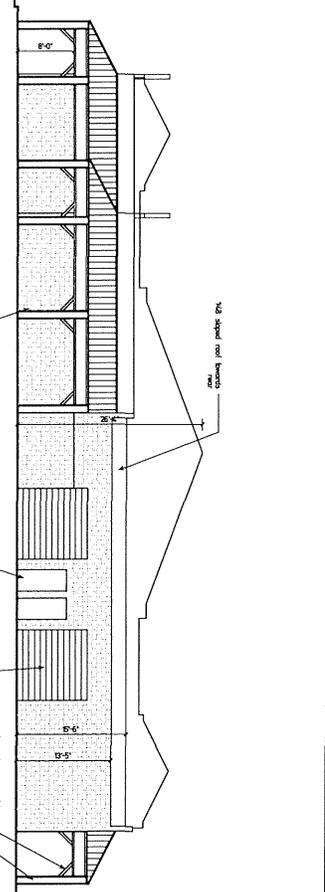
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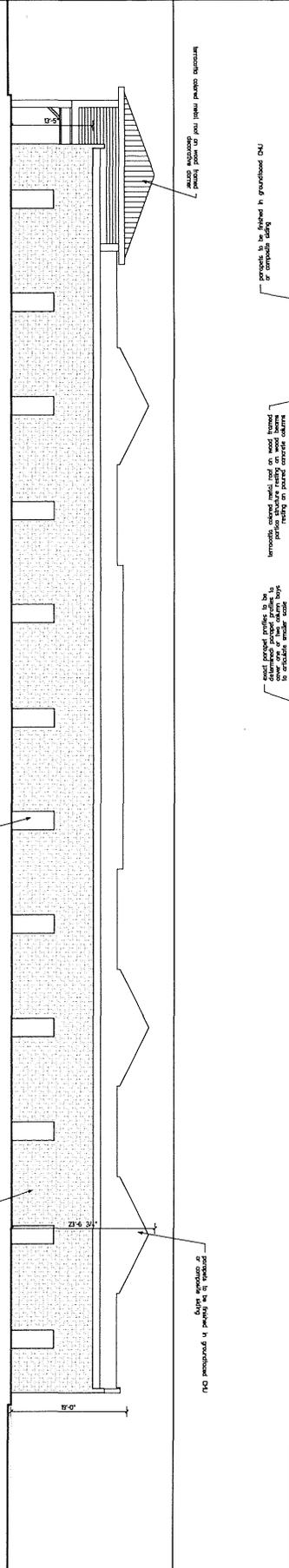
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 7/2/11



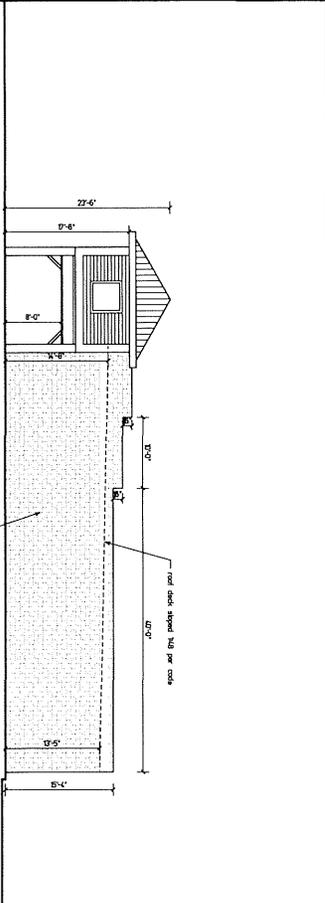
building 3 - front elevation  
scale 1/8" = 1'-0"



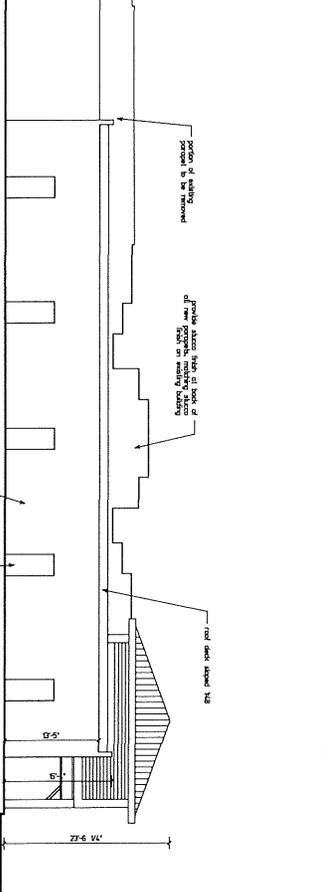
building 3 - rear elevation  
scale 1/8" = 1'-0"



building 2 - rear elevation  
scale 1/8" = 1'-0"



building 1 & 2 - side elevation  
scale 1/8" = 1'-0"



building 1 - rear elevation  
scale 1/8" = 1'-0"

Architectural  
Planning  
Design  
**M**  
architectural  
144200728

Hyundai, Irvine, ARCHITECTS

Client: Kan Yee  
Project: expand existing strip center  
Address: 14555-14595 Southern Blvd  
Loxahatchee Grovesm Fl  
33470

Project Name	building 1, 2, 3 elevations
Client	Kan Yee
Architect	Hyundai, Irvine, ARCHITECTS
Scale	1/8" = 1'-0"
Date	7/20/07