TOWN OF LOXAHATCHEE GROVES

TOWN HALL CHAMBERS

PLANNING AND ZONING BOARD AS LOCAL PLANNING AGENCY

AGENDA

August 25, 2022 – 5:30 P.M.

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

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

Administration

Town Manager Francine Ramaglia
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 3rd 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 Chair and Vice-Chair**

2. **Approval of Agenda**

3. **Public Comments**

4. **Presentation by the Town Attorney Elizabeth Lenihan**

REGULAR AGENDA

1. **AutoZone Sign Variance**

2. **Culvers Restaurant Sign Variance**

3. **Southern Lawn Site Plan Amendment**

4. **Public Comments**

COMMITTEE MEMBER COMMENTS

SET NEXT MEETING DATE

ADJOURN PLANNING AND ZONING BOARD

TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
August 25, 2022

AGENDA ITEM STAFF SUMMARY: VARIANCE APPLICATION VA-2022-01

A. DESCRIPTION OF THE PROPERTY

Project Name: AutoZone Sign Variance Application VA-22-01 (Groves Town Center Pod A)

Agent: Jones Sign Company Permitting Coordinator Staff (Kerri Sabol. Permit Coordinator).

Applicants: AutoZone, Inc.

Owners: BW Southern Binks, LLC

Parcel Control Number (PCN): 41-41-43-31-12--001-0020 and 41-41-43-31-12--012-0032

Project Location: Southern Boulevard. East of the northeast Corner of Southern Boulevard and "B" Road. .

Size of Property: 0.76 acres.

FLU Map Designation: Commercial Low (CL).portion of the Groves Town Center Multiple Land Use designation.

Zoning Map Designation: Multiple Land Use Planned Unit Development (MLU/PUD)

Existing Use: Palm Beach County Property Appraiser (PAPA) Use Code – 1000 Vacant Commercial.

B. APPROVAL HISTORY

The Subject Site, located on the north side of Southern Boulevard east of "B" Road in Loxahatchee Groves, is a portion of the 6.79 acre Pod A of the 90 acre "Groves Town Center" which was assigned a Multiple Land Use (MLU) future land use designation by the Town for the purpose of implementing a mixed-use development concept consisting of the following three land uses: Commercial Low (CL), Commercial Low Office (CL-O), and Institutional (INST). Subsequent to the MLU approval, the Groves Town Center parcel was assigned an MLU/PUD zoning approval, including a Conceptual Master Plan.

The Town Council approved a Site Plan for Pod A of Groves Town Center on November 6, 2018 which included a Wawa gas/convenience store, Chase Bank and Aldi grocery. The initial Site Plan was amended on May 3, 2022 to include a Wawa gas/convenience store, AutoZone vehicle parts store and Aldi grocery.

C. APPLICATION REQUEST

The Applicant has requested a variance from ULDC Section 90-040(B) (3) (a) *Individual building as outparcel or stand-alone building* to allow for an increase in the maximum square footage of the building wall sign.

The Applicant has requested that the sign face of AutoZone building wall sign be increased from a maximum of 36 square feet to 74 sq. ft. facing Southern Boulevard; a sign face variance of 38 sq. ft. or 106%. Refer to Exhibits 1 and 2 for proposed sign design.

D. STAFF REVIEW

The requested variance is to allow a building within a multi-tenant center (i.e. Pod A – Wawa/AutoZone/Aldi) to exceed the maximum sign-face area for the allowed primary wall sign. Per ULDC Section 90-040(B) (3) b., the sign-face maximum is 36 sq. ft. for the Primary Sign. The Applicant has proposed 74 sq. ft. to be permitted.

Variance procedures and requirements are contained in Article 150 *Variances* of the Town's ULDC. Per ULDC Section 150-010(B), the Town Council may grant a variance provided that such approval will not result in a use which is specifically or by inference prohibited in the zoning district.

Further, per ULDC Section 150-010(C), variance applications will not be considered with respect to the following:

1. Where plans have been submitted and approved and permits issued, and additional work not shown on the approved plans has been performed. Previous plans have not been submitted and approved, permits issued and additional work completed for a wall sign on the property.

2. Where a property has been subdivided and as a result an existing structure is in violation of the provisions of the ULDC. The Aldi grocery parcel has been subdivided within Pod A and is operational; however, it is not in violation of ULDC provisions.

Brief descriptions of abutting properties are presented in the following table. Southern Boulevard, followed by the C-51 Canal right-of-way, borders the Subject Site to the south and vacant parcels within the Groves Town Center mixed-use planned development, border the Subject Site on the north, west and east.

Inventory of Abutting Properties

Direction	Description
North	Vacant – Pod "C" of Groves Town Center
South	Southern Boulevard followed by C-51 Canal
East	Built – Aldi Grocery
West	Vacant – Pod "B" of Groves Town Center (approved Wawa)

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

Criterion 1: *That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.*

Applicant's Response: The setback of the building from Southern Boulevard limits visibility from the road. The sign code allows 36 sq. ft. of signage. The limited size would be a detriment to customers trying to locate the store from Southern Boulevard and allow them to prepare safely to turn into the development.

Staff Analysis: Applicant states that the Property is located on Southern Boulevard which functions as a freeway with a considerable traffic volume moving at high speeds. Further, Southern Boulevard is being built-out as a 6-lane, divided Principal Arterial highway.

In addition, during the site plan review process, the Applicant agreed to provide a 25-foot buffer, including a landscaped berm, as opposed to the code-required 15-foot buffer along Southern Boulevard creating additional distance from the travel lanes to the building.

Staff concludes that the widening of Southern Boulevard and additional buffer depth and berm height along Southern Boulevard creates special conditions and circumstances related to visibility and safety considerations. The size and location of signage can assist in addressing these issues. On this basis, Staff concludes that Criterion 1 has been satisfied.

Criterion 2: *That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.*

Applicant's Response: The proposed sign is Auto Zone's standard trademark sign and needed to identify the location of the store from Southern Boulevard. It will be consistent with the proposed use, the building architecture, and the surrounding commercial uses.

Staff Analysis: The hardship is determined to consist of the lack of adequate visibility and related safety concerns created by the Southern Boulevard expansion in relation to the ULDC maximum wall sign size of 36 sq. ft. It is stated in Condition 1 that the variance, if approved, will ensure safer traffic circulation.

The Southern Boulevard expansion and enhanced landscaping during the site plan approval process) have created a hardship in relation to safety considerations of the current maximum size wall sign. As a result, the hardship

was not self-created. On this basis, Staff concludes that Criterion 2 has been satisfied.

Criterion 3: *That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.*

Applicant's Response: The allowed signage, per code, would not allow customers to clearly identify the location due to the distance from Southern Boulevard and could hinder the success of the AutoZone store. A larger sign is in keeping with AutoZone's trademark signage and proportionate to the frontage of the proposed building.

Staff Analysis:

The issues of safety and visibility are addressed in Criteria 1 and 2. Primary Sign variances (Tractor Supply and Publix in Loxahatchee Groves Commons and Aldi in Groves Town Center) were granted for essentially the same justification (i.e. visibility from Southern Boulevard and safety). Publix, Tractor Supply and Aldi were granted Primary Sign variances approving wall signs of 74 sq. ft. on the frontage facing Southern Boulevard.

Based upon the above analysis, denial of the proposed variances would deprive the Applicant of the same rights enjoyed by properties in the same (i.e. Pod A Commercial Low) zoning district facing Southern Boulevard. On this basis, Staff concludes that Criterion 3 has been satisfied.

Criterion 4: *The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.*

Applicant's Response: With the approval of the proposed variance, the tenant will be able to install signage that is typical of the advertising of the surrounding businesses. The proposed size is AutoZone's standard size for this building frontage and will provide customer awareness.

Staff Analysis: The Applicant stated that larger building signs are needed to provide visibility for customers to ensure safe and efficient navigation to the store. Building signs with an area of 36 and feet would not be as visible to vehicles traveling along Southern Boulevard and would appear disproportionate with the scale of the building. The Applicant has proposed variances similar in scale to those granted at Publix, Tractor Supply and Aldi.

The Applicant's proposal, coupled with the variances approved for Publix, Tractor Supply and Aldi, have established size criteria for wall signs on buildings fronting on Southern Boulevard within multiple-tenant Groves Town Center. On this basis, Staff concludes that Criterion 4 has been satisfied.

Criterion 5: *That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Applicant's Response: The increase in sign size will allow visibility for AutoZone from Southern Boulevard. With approval, the new sign will obtain all required engineering, as well as permits, fees, and inspections in order to affect the health, safety and general welfare of visitors and those working at the store.

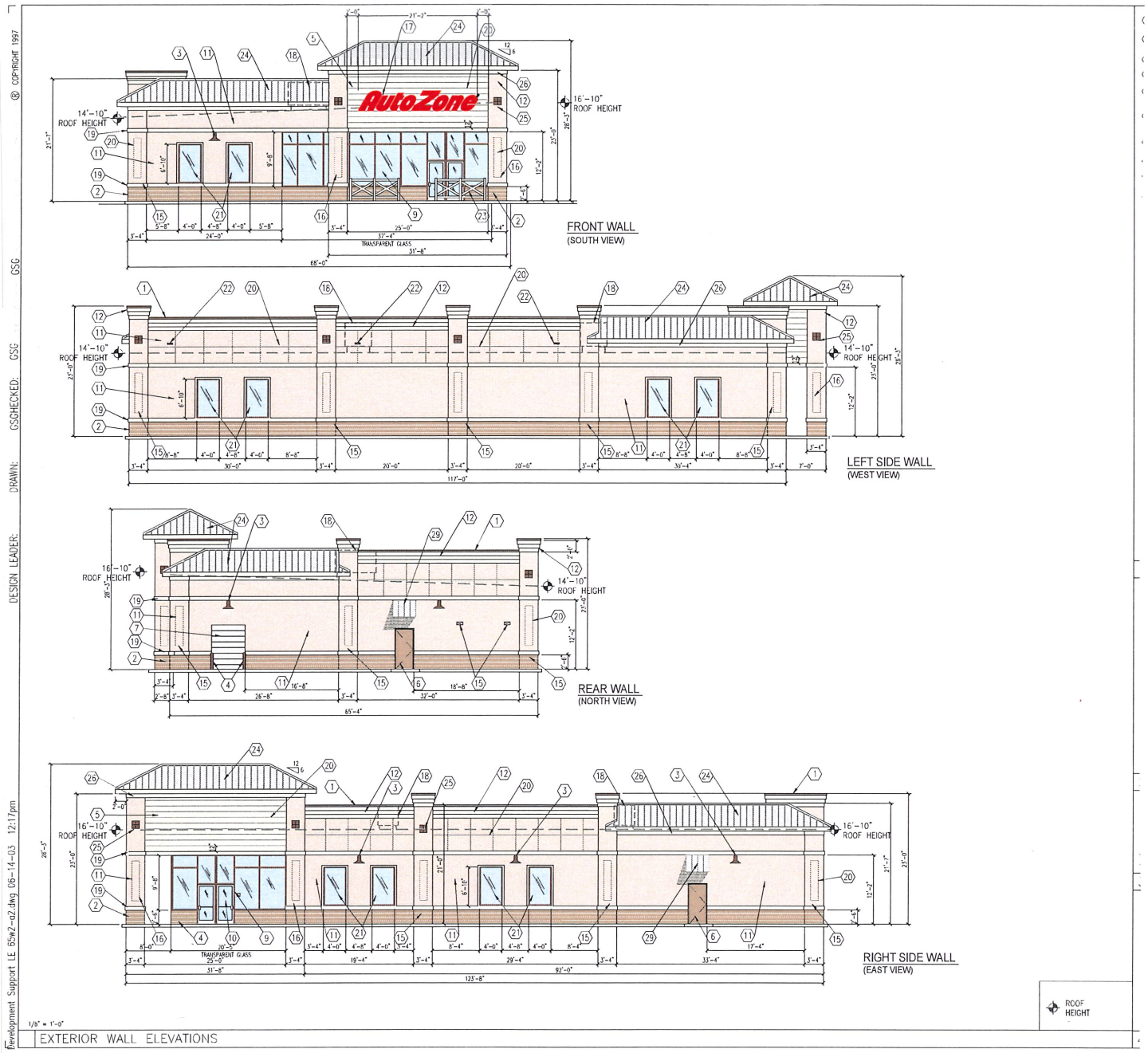
Staff Analysis: Per Section 40-010(a) of the Town's Land Development Code, the purpose and intent of a Planned Unit Development (PUD) zoning district is to provide creative solutions to implement Town planning directives. Groves Town Center has been designed in accordance with the design guidelines of an MUPD development. As such, proposed signage should be designed to effectively and safely advertise adjacent properties from abutting roadways understanding their function and design. Granting the Variance Request will be in harmony with the general intent and purpose of the Code and will not be injurious to the surrounding area or public welfare.

Per Section 90-005(C) *Compatibility of the ULDC,* signs should be made compatible with the overall objectives of the Comprehensive Plan by ensuring compatibility with surrounding land uses. The Applicant has demonstrated how approval of the Variance will maintain compatibility with commercial development along Southern Boulevard and further enhance the safety of motorists. On this basis, Staff concludes that Criterion 5 has been satisfied.

E. STAFF RECOMMENDATION

The Applicant has made valid observations regarding visibility, safety and wall sign approvals in commercial projects along Southern Boulevard. It is concluded that the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020, as required by code, has been met. Based upon this conclusion, Staff recommends approval of Variance Application VA- 22-01 to increase the size of the Primary Wall sign to a maximum of 74 sq. ft., as illustrated on Exhibits 1 and 2.

EXHIBIT 1 – PROPOSED COLOR ELEVATIONS



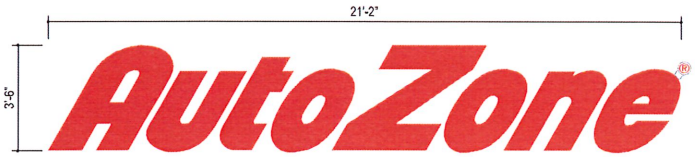
CE	PROTOTYPE SIZE 7N2	DATE 09/20/19		REVISIONS 1. 2. 3. 4. SCALE: 1/8" = 1'-0"	Prepared For: AutoZone STORE DEVELOPMENT Store No. 5999 SOUTHERN BLVD & 'B' ROAD LOXAHATCHEE GROVE, FL 33470 COLOR ELEVATIONS	AUTOZONE STORES LLC 123 South Front St, 3rd Floor Memphis, Tennessee 38103 TEL: (901) 495-8701 FAX: (901) 495-8969

EXHIBIT 2 – PROPOSED DESIGN SPECIFICATIONS

42NS FACE LIT CHANNEL LETTERS w/o STRIPES (Qty 1)

AZ1CL42-254-5LINT
AZ1CL42-254-5LEXT

SQUARE FOOTAGE: 74



FRONT VIEW
SCALE: 1/4"=1'-0"

LED LAYOUT
SCALE: NTS

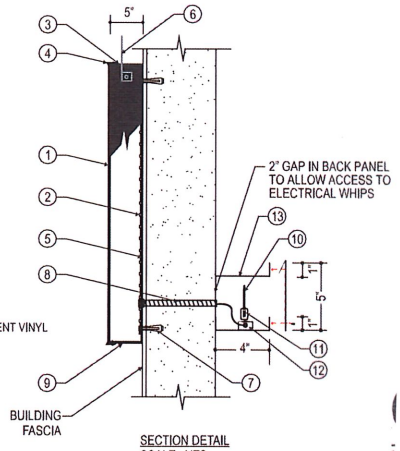
SPECIFICATIONS

1. 3/16" THK PIGMENTED PLEXIGLAS RED 2662 AUTOZONE LETTERS
2. AUTOZONE LETTERS INTERNALLY ILLUMINATED w/ GE TETRA MAX RED LED
3. 5" PRE-FINISHED .040 BLACK/WHITE ALUMINUM RETURNS LETTER LOCKED & RIVETED TO BACK AND CAULKED / INSIDE OF LETTERS AND STRIPES TO BE WHITE
4. 1" GLOSS BLACK JEWELITE TRIM FASTENED TO LETTERS w/ MINIMUM #8 SHEET METAL SCREWS PAINTED P-8 / SPACING SHALL NOT EXCEED 18" / NO FEWER THAN FOUR (4) SCREWS PER FACE
5. WHITE/WHITE ACM BACKS LETTER LOCKED & RIVETED TO RETURN AND CAULKED
6. WHITE ALUMINUM TAB w/ ® VINYL APPLIED FIRST SURFACE V-3
7. AUTOZONE REQUIRED MOUNTING HARDWARE: TOGGLE BOLTS-EIFS WALLS OR MASONRY LAGS-CMU/MASONRY WALLS / INSTALLER TO PROVIDE HARDWARE (REFER TO WALL SYSTEMS w/ APPROVED FASTENERS CHART)
8. 1/2" FLEXIBLE CONDUIT / GREEN FIELD
9. 1/4" DIA WEEP HOLES
10. 120V - 20 AMP PRIMARY ELECTRICAL CONNECTIONS / TO BE MADE BY LICENSED ELECTRICAL CONTRACTORS
11. ETL APPROVED ELECTRICAL SHUT OFF SWITCH
12. TETRA POWER SUPPLY MOUNTED TO BOTTOM OF TRANSFORMER BOX
13. **INTERIOR RACEWAY AS NEEDED:** 4" x 5"H x .063 WHT/WHT ALUMINUM BREAKFORMED INTERIOR TRANSFORMER BOX w/ REMOVABLE FACE / PAINTED P-7

NOTES
- ALL VISIBLE SCREW HEADS & POP RIVETS PAINTED P-8

COLORS/FINISHES

	P-7	SW 6091 RELIABLE WHITE
	P-8	GLOSS BLACK
	V-3	ARLON 143 POPPY RED HI PERF. TRANSLUCENT VINYL



SECTION DETAIL
SCALE: NTS

JONES SIGN
Your Vision. Accomplished.
WWW.JONESSIGN.COM

JOB #: 000000-R1
DATE: 00.00.0000
DESIGNER: Jeneé Sotka
SALES REP: XXX
PROJ MGR: Sandy Mansfield

REV.	DATE	BY	DESCRIPTION
1	01.18.19	JS	INSTALLER TO PROVIDE HARDWARE / ACM BACKS, LETTER LOCKED AND RIVETED
2	02.14.20	TS	UPDATE V-3 CALLOUT FROM 3M TO ARLON / REMOVE UL & REPLACE w/ ETL
3	00.00.00	XX	XXXX
4	00.00.00	XX	XXXX
5	00.00.00	XX	XXXX
6	00.00.00	XX	XXXX
7	00.00.00	XX	XXXX
8	00.00.00	XX	XXXX
9	00.00.00	XX	XXXX
10	00.00.00	XX	XXXX

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outsideid in any fashion. Use of this design or the salient elements of this design JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannnials and paints used. All sizes and dimensions are illustrated for client's c

TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
August 25, 2022

AGENDA ITEM STAFF SUMMARY: VARIANCE APPLICATION VA-2022-01

A. DESCRIPTION OF THE PROPERTY

Project Name: Culver's Sign Variance Application VA-22-02 (Groves Town Center Pod B)

Agent: Robert Rogers, Rogers' Sign Corp.

Applicants: Kasey Bethel, Contract Purchaser

Owners: Solar Sport Systems, Inc.

Parcel Control Number (PCN): 41-41-43-31-13--002-0010 (portion).

Project Location: Southern Boulevard. East of the northeast corner of Southern Boulevard and "B" Road (Pod B of the Groves Town Center MUPD).

Size of Property: 1.39 acres.

FLU Map Designation: Portion of the Commercial Low (CL) Pod B of the Groves Town Center Multiple Land Use Conceptual Master Plan.

Zoning Map Designation: Multiple Land Use Planned Unit Development (MLU/PUD)

Existing Use: Palm Beach County Property Appraiser (PAPA) Use Code – 1000 Vacant Commercial.

B. APPROVAL HISTORY

The Subject Site, located on the north side of Southern Boulevard east of "B" Road in Loxahatchee Groves, is a portion of the 4.49 acre Pod B of the 90 acre "Groves Town Center" which was assigned a Multiple Land Use (MLU) future land use designation by the Town for the purpose of implementing a mixed-use development concept consisting of the following three land uses: Commercial Low (CL), Commercial Low Office (CL-O), and Institutional (INST). Subsequent to the MLU approval, the Groves Town Center parcel was assigned an MLU/PUD zoning approval, including a Conceptual Master Plan.

The Town Council approved a Site Plan on July 6, 2021 for the Culver's Restaurant portion of the 4.49 acre Groves town Center Pod B

C. APPLICATION REQUEST

The Applicant has requested variances from ULDC Section 90-040(B) (3) Building *wall sign* and Section 90-040(B) (5) *Monument or Panel Sign* to allow for: (1) a second building wall sign; and (2) an increase in the maximum square footage of the menu sign.

Specifically, the Applicant has requested variance approval to allow a west elevation building wall sign of 29.96 square feet and a menu board sign of 24 sq. Refer to Exhibits 1 - 3 for proposed sign illustrations.

D. STAFF REVIEW

ULDC Section (B) (3) b states that one wall sign is permitted unless a building is located at a street corner where a second sign is permitted. As the Culvers Restaurant is not located at a corner, a second wall sign is currently not permitted. The requested wall sign variance is to allow a second wall sign of 29.96 sq. ft. on the west building elevation (Refer to Exhibits 1 and 2).

ULDC Section 90-040(B)(5)b states that a drive-thru (panel sign) is permitted on a building of 1,000 sq. ft. or more with a maximum face area of no greater than 12 sq. ft.. The requested panel sign variance is to allow a drive-thru menu board of 24 sq. ft. (Refer to Exhibit 3).

Variance procedures and requirements are contained in Article 150 *Variances* of the Town's ULDC. Per ULDC Section 150-010(B), the Town Council may grant a variance provided that such approval will not result in a use which is specifically or by inference prohibited in the zoning district.

Further, per ULDC Section 150-010(C), variance applications will not be considered with respect to the following:

1. Where plans have been submitted and approved and permits issued, and additional work not shown on the approved plans has been performed. Previous plans have not been submitted and approved, permits issued and additional work completed on the wall sign or menu board on the property.

2. Where a property has been subdivided and as a result an existing structure is in violation of the provisions of the ULDC. There is no existing structure in Pod B.

Brief descriptions of abutting properties are presented in the following table. Southern Boulevard, followed by the C-51 Canal right-of-way, borders the Subject Site to the south and vacant parcels within the Groves Town Center mixed-use planned development, border the Subject Site the north, west and east.

Inventory of Abutting Properties

Direction	Description
North	Vacant – Pod "C" of Groves Town Center
South	Southern Boulevard followed by C-51 Canal
East	Approved – Southern Palms Car Wash
West	Vacant Parcel – Pod "B" of Groves Town Center

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that

each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

Criterion 1: *That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.*

> ***Applicant's Response:*** The property dimensions do not allow the main business entrance to face a roadway which would allow a wall sign over the entrance. The business will have two frontages on roadways but there is only allowance for one sign. The restrictive code for the menu board allowance would severely limit the number of items customers would see are available for order.
>
> **Staff Analysis:** The Property is located on Southern Boulevard which functions as a freeway with a considerable traffic volume moving at high speeds. A wall sign facing Southern Boulevard is, therefore, necessary and appropriate. The ULDC anticipates permitting one wall sign per tenant with an individual standard entrance. Due to the configuration of the lot, Culvers standard entrance faces west, as opposed to south toward Southern Boulevard. This creates a unique situation where two wall signs are appropriate; one facing Southern Boulevard and a second over the standard entrance on the west elevation.
>
> Due to the number of food items available for order, Culvers requires a menu board larger than the ULDC permits in order adequately inform drive-thru customers regarding possible food selections.
>
> Staff concludes that frontage on Southern Boulevard and the location of the standard entrance on the west elevation create special conditions and circumstances related to justification for the second wall sign. The size of Culvers food offering creates a need for a menu board larger than the ULDC permits. On this basis, Staff concludes that Criterion 1 has been satisfied.

Criterion 2: *That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.*

> **Applicant's Response:** The code only allows a second sign for businesses on a corner lot and not for businesses with multiple frontages not on a corner. The code only allows for a 12 sq. ft. menu board with is substantially smaller than the industry average of 50+- square feet to allow customers to see all items available for order at a legible font size.
>
> **Staff Analysis:** The hardship is determined to consist of the west-facing location of the standard entrance, the ULDC maximum menu board sign in relation to industry standards, and the large available food offering in relation to the maximum menu board size. As a result, the hardship was not self-created. On this basis, Staff concludes that Criterion 2 has been satisfied.

Criterion 3: *That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.*

Applicant's Response: Not allowing a second wall sign over the business entrance visible from the secondary frontage would cause confusion for potential customers not being able to identify the business. The limited size menu board would cause customers to not be aware of all items available for order directly impacting the sales of the business.

Staff Analysis: *The issue of customer visibility (i.e. location of the standard entrance and customer awareness of menu items) are addressed in Criteria 1 and 2. Based upon the above analysis, denial of the proposed Secondary Wall Sign and enlarged Menu Board would deprive the Applicant of the same rights (i.e. Wall signage both facing Southern Boulevard and visible from the standard entrance and visibility of the preferred menu within the drive-thru). On this basis, Staff concludes that Criterion 3 has been satisfied.*

Criterion 4: *The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.*

Applicant's Response:

Allow a second wall sign visible from the secondary frontage over the main business entrance of 29.96 sq. ft. Allow a larger menu board of 24 sq. ft.

Staff Analysis: The Applicant stated that a Secondary Wall Sign is needed to provide visibility for customers in terms of location of the standard entrance to the restaurant. Primary Wall Signs are allowed up to 36 sq. ft. by the ULDC while the Applicant is requesting a Secondary Wall Sign of 29.96 sq. ft.

The Applicant stated that Menu Board proposed size of 24 sq. ft., less than the industry standard of 50 sq. ft., is needed to inform customers of the food offering. Menu Boards are allowed up to 12 sq. ft. by the ULDC while the Applicant is requesting a sign approval of 24 sq. ft.

Sign Variances have been approved for Publix, Tractor Supply, Wendy's and Aldi, in consideration of their individual needs and business requirements. On this basis, having established the basis for its request, Staff concludes that Criterion 4 has been satisfied.

Criterion 5: *That the granting of the variance will be in harmony with the general intent and purpose of the Code and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Applicant's Response: The code allows for corner lot businesses to have a secondary wall sign but not businesses with a Southern Boulevard frontage and not on a corner lot. The intention of allowing a business to be visible from all road frontages

would be maintained. Allowing the larger menu board consistent with industry standards would not impact the surrounding area since it would only be visible to customers in the drive thru.

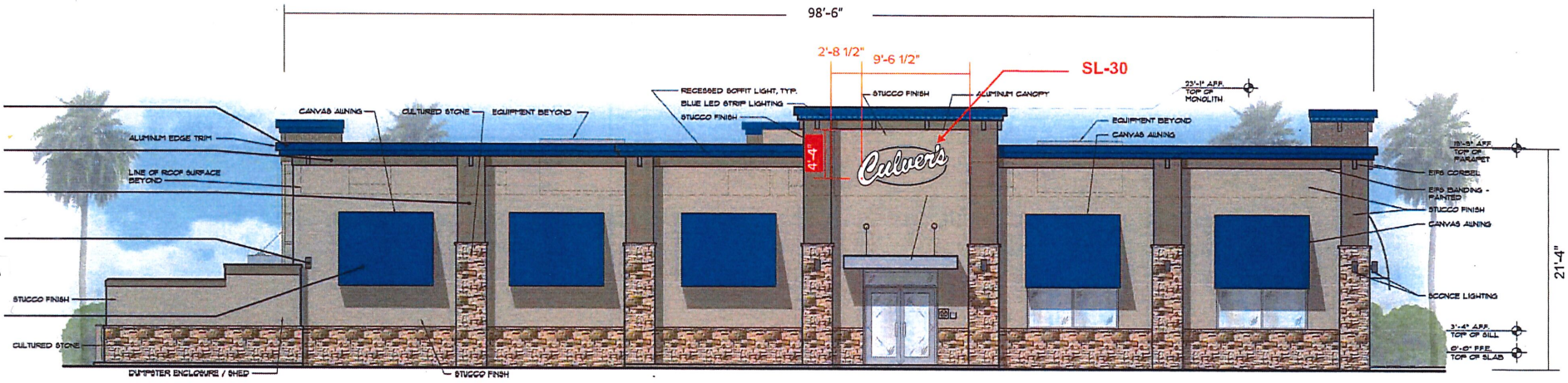
Staff Analysis: Per Section 40-010(a) of the Town's Land Development Code, the purpose and intent of a Planned Unit Development (PUD) zoning district is to provide creative solutions to implement Town planning directives. Groves Town Center has been designed in accordance with the design guidelines of an MUPD development. As such, signage should be designed to effectively and safely advertise properties understanding their function and design. Granting the Variance Request will be in harmony with the general intent and purpose of the Code and will not be injurious to the surrounding area or public welfare.

Per Section 90-005(C) *Compatibility of the ULDC,* signs should be made compatible with the overall objectives of the Comprehensive Plan by ensuring compatibility with surrounding land uses. Approval of the Variance will maintain compatibility with commercial development along Southern Boulevard and further enhance the safety of motorists and customers. On this basis, Staff concludes that Criterion 5 has been satisfied.

E. STAFF RECOMMENDATION

It is concluded that the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020, as required by code, has been met. Based upon this conclusion, Staff recommends approval of Variance Application VA- 22-02 permitting a Secondary Wall Sign of 29.96 sq. ft. on the west elevation and a Menu board of 24 sq. ft.

EXHIBIT 1 – PROPOSED WEST ELEVATION WALL SIGN



WEST ELEVATION
VARIANCE REQUIRED.

EXHIBIT 1 – PROPOSED WEST ELEVATION WALL SIGN

JOHN J. ORLANDO LICENSE No 0044089 STATE OF FLORIDA PROFESSIONAL ENGINEER

John Orlando Digitally signed by John Orlando Date: 2021.12.30 17:54:17 -05'00'

This item has been electronically signed and sealed by John J. Orlando, PE using a Digital Signature and date. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Conforms to the requirements of the 7th Edition (2020) of the Florida Building Code sections 1620.1/W12 and 2107, V(ult) = 170 mph, Exposure category = C, Risk category = II
John J. Orlando PE LLC • 165 Old Ridge Road • Macon, GA 31211 • 478 731 5294 • jjorlando@cox.net • Florida registration # 0044089 Job 11621R5 sheet 1 of 3

Culvers
Variance Application VA 2022-01
August 2022

PRIORITY

EXHIBIT 2 – PROPOSED SECONDARY WALL SIGN DESIGN SPECIFICATIONS

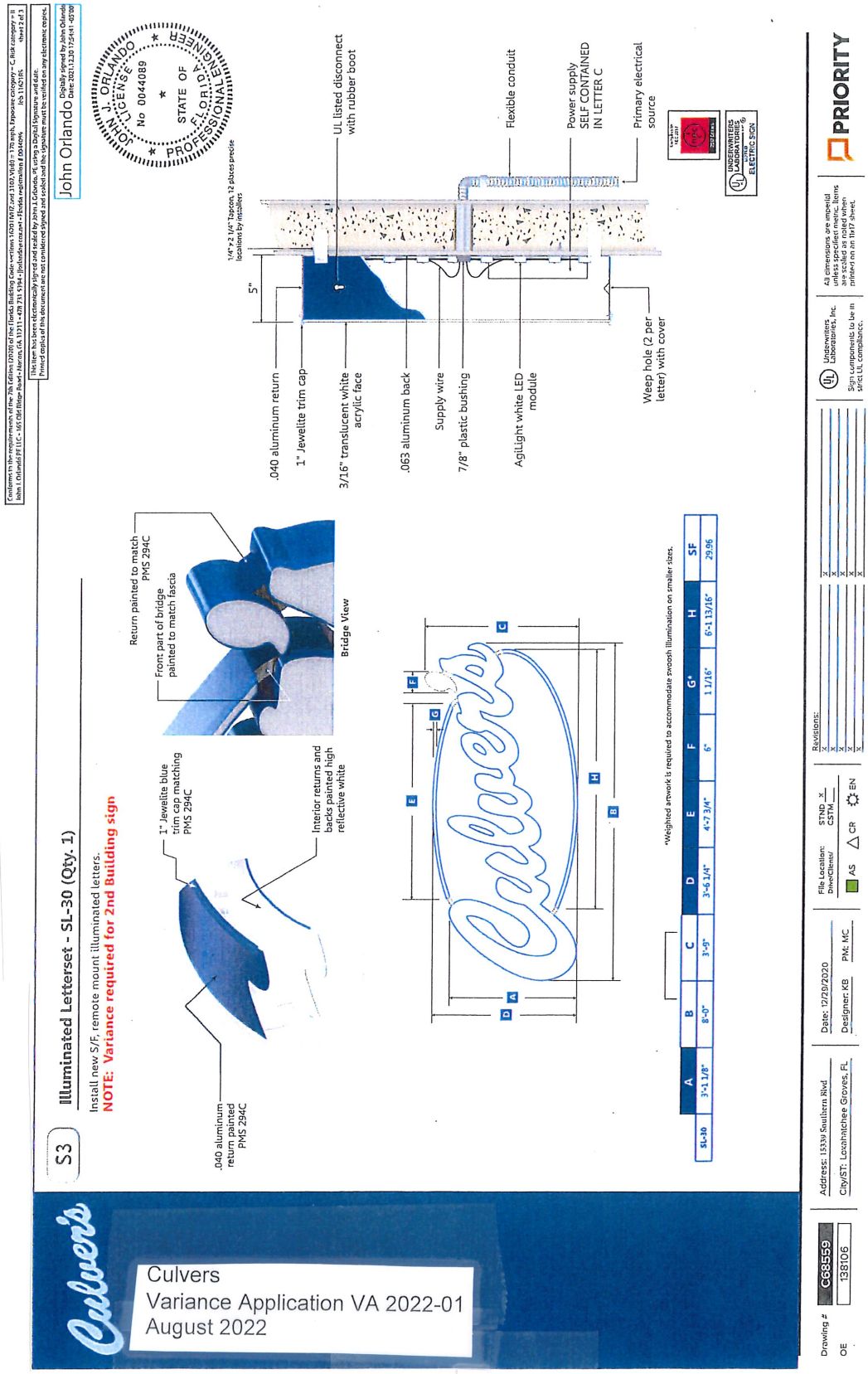
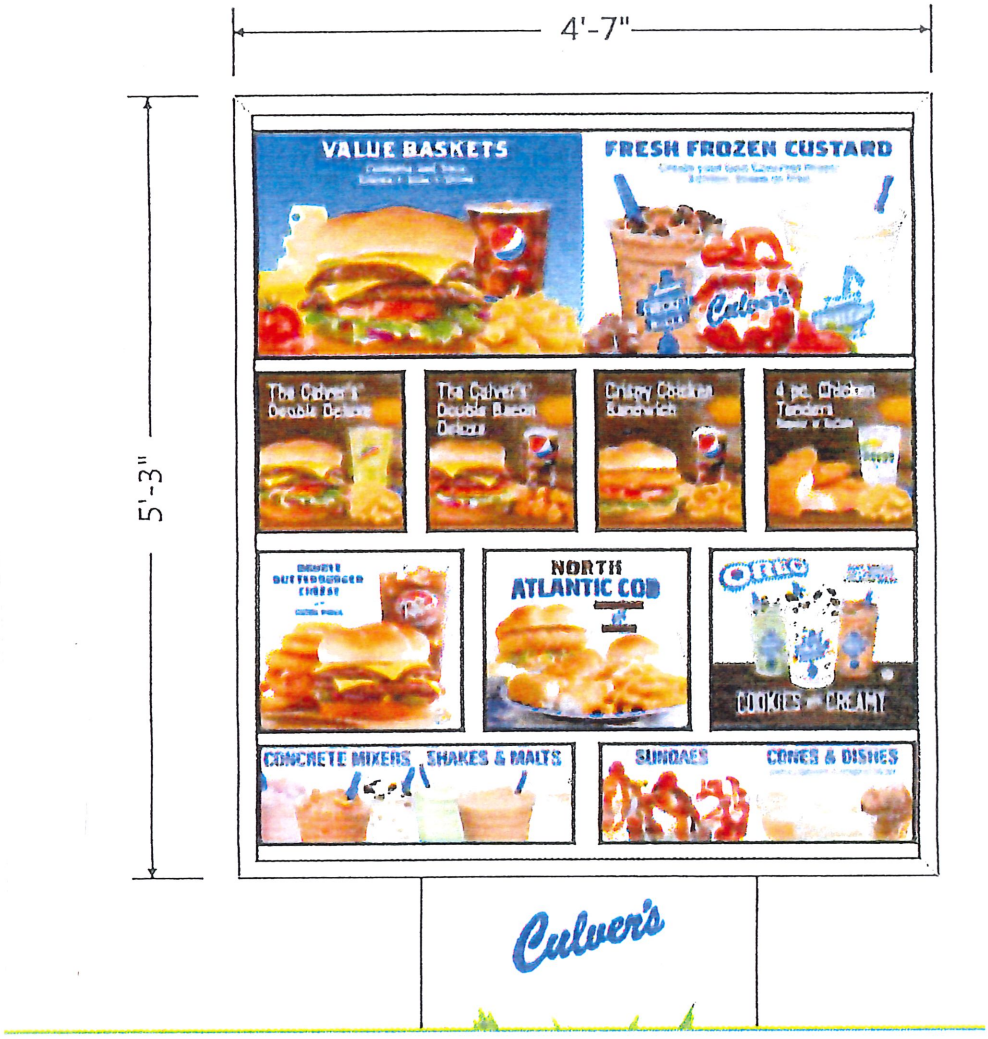


EXHIBIT 3 – PROPOSED MENU BOARD DESIGN SPECIFICATIONS



24 sq ft

FRONT ELEVATION
scale | 1/2" = 1'

TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
August 25, 2022

Site Plan Amendment Application SPA 22-01
Southern Lawn Equipment (a.k.a. Drysdale Property; Valencia Village)

I. DESCRIPTION OF THE PROPERTY

Project Name: Southern Lawn Equipment.

Agent: James G. Hackett

Applicant: Lox Holdings, LLC.

Owner: Lox Holdings, LLC.

Parcel Control Numbers (PCN): 41-41-43-32-01-000-2080 (0.67 acres); 41-41-43-32-01-000-2090 (0.67 acres); 41-41-43-32-01-000-2100 (5.21 acres).

Project Location: Northwest Corner of Valencia Drive (Southern Blvd.) and Loxahatchee Avenue.

Size of Property: 6.55 acres.

FLU Map Designation: Commercial Low (CL); Town Ordinance 2014-01.

Zoning Map Designation: Commercial Low (CL); Town Ordinance 2014-02.

Existing Use: Single-family, in part; 1,751 sq. ft. residence; and vacant, in part.

Maximum Existing Development Potential: 28,400 sq. ft. of general retail and office space per Town Resolution 2015-36

Maximum Proposed Development Potential: 28,000 sq. ft. of space for the purpose of developing a single commercial and residential outdoor power equipment, golf carts, and trailers sales and service tenant

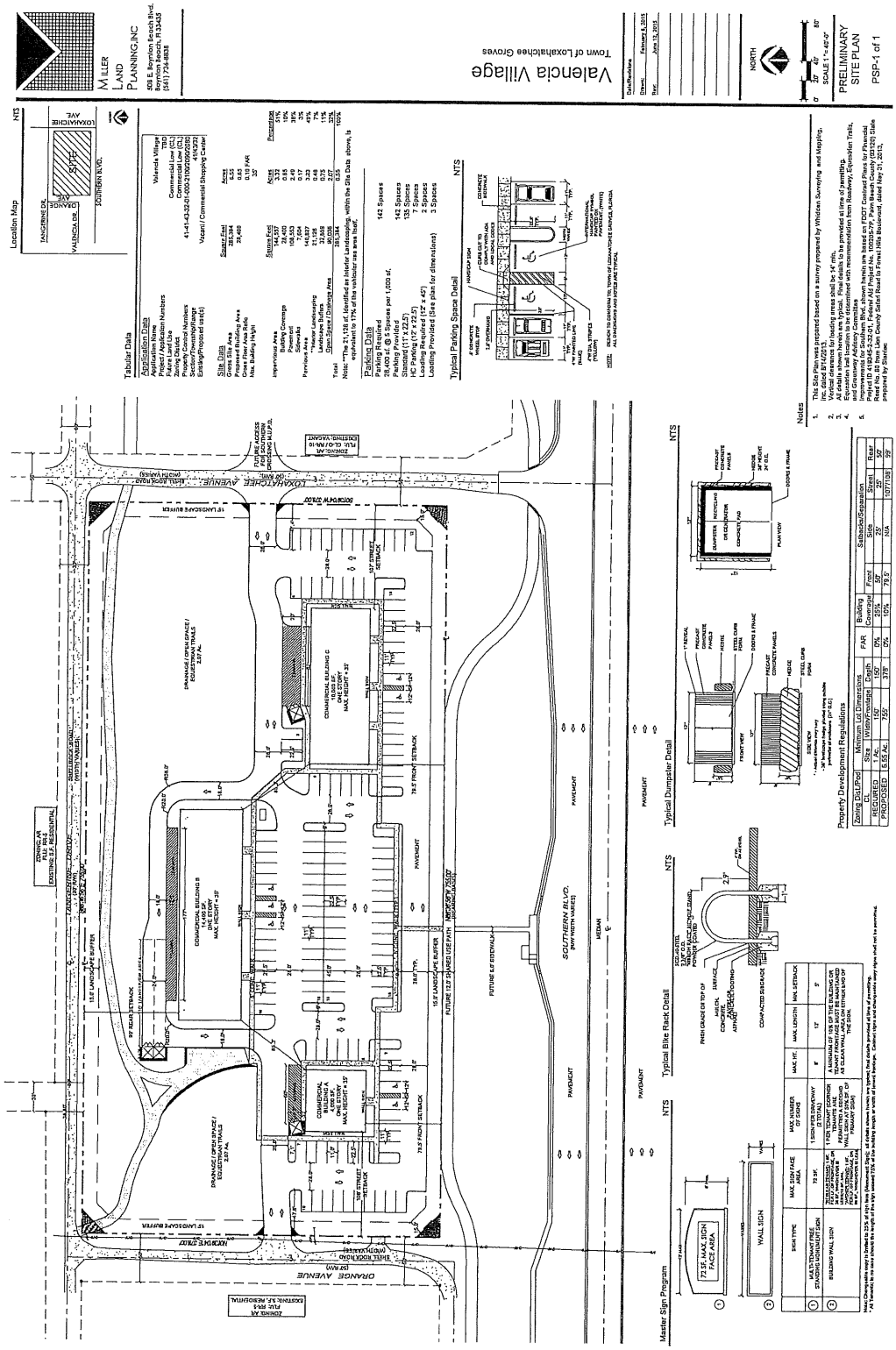
II. APPROVAL HISTORY

The property was granted Future Land Use Map (Town Ordinance 2014-01; from Rural Residential 5 to Commercial Low) and rezoning (Town Ordinance 2014-02; from Agricultural Residential to Commercial Low).

A site plan consisting of a 28,400 sq. ft. commercial facility (Valencia Village) was approved (Resolution 2015-36) by the Town Council on December 1, 2015. The approved site plan, consisting of three one-story commercial buildings (14,400 sq. ft.; 10,000 sq. ft.; and 4,000 sq. ft.) is illustrated on Exhibit 1.

EXHIBIT 1 – VALENCIA VILLAGE APPROVED SITE PLAN

FINAL SITE PLAN 2015-03



After site plan approval by the Town Council, a 3.032 acre portion of the property was identified by the Florida Department of Transportation (FDOT) as a preferred location for a compensation pond to accommodate additional stormwater runoff from the Southern Boulevard expansion. A Perpetual Easements (O.R.B. 29172 Pages 1040 - 1048) was executed between FDOT and the previous owner to implement the drainage concept illustrated on Exhibit 2. The 3.032 acre area has not been deducted from the 6.55 acre site area for the purposes of calculating buildable area (i.e. the 0.1 F.A.R. maximum is still applied to the entire 6.55 acre site to determine maximum buildable space).

III. APPLICATION SUMMARY

The application has requested site plan amendment approval for a 28,000 sq. ft. commercial facility consisting of a single one-story commercial building. 22,800 sq. ft.; of warehouse/repair services and a 5,200 sq. ft. retail store. Refer to the Statement of Use (Exhibit 3) and Proposed Site Plan (Exhibit 4)

IV. SUBMITTED SUPPORT DOCUMENTS

Item	Content
Boundary and Topographic Survey dated December 30, 2021	Legal description, elevations and location of the Perpetual Easement
Site Plan dated March 28, 2022	Proposed Site Plan dated March 28, 2022
Statement of Use	Ref: Exhibit 3
Architectural Plans/Elevations and Floor Plans dated May 28, 2022	Example elevations illustrating typical architectural elements and a floor plan.
Landscape Plan dated May 27, 2033	Landscape Plan calculating and illustrating the following landscape requirements: Plant list and locations Interior open space; vehicular use area. .
Preliminary Grading and Drainage Plan dated May 17, 2022	Identification of existing and proposed grade. Locations of storm water management facilities and legal positive outfall.
Photometric Plan dated April 13, 2022	Location of outdoor lighting fixtures and distribution of lumens throughout the property
Traffic Statement dated April 11, 2022 and TPS Letter dated May 10, 2022	Consultant Traffic Statement by Pinder Troutman Consulting, Inc. Conclusion – No significant Peak-hour trip impacts on the area roadway network. County TPS Approval letter received – meets TPS requirements.
Description of the Proposed Site Plan Amendment dated June 1, 2022	Description of the modification to the current Valencia Village approved Site Plan including incorporated Rural Vista Guidelines architectural features.

EXHIBIT 2 – FDOT COMPENSATION STORAGE POND

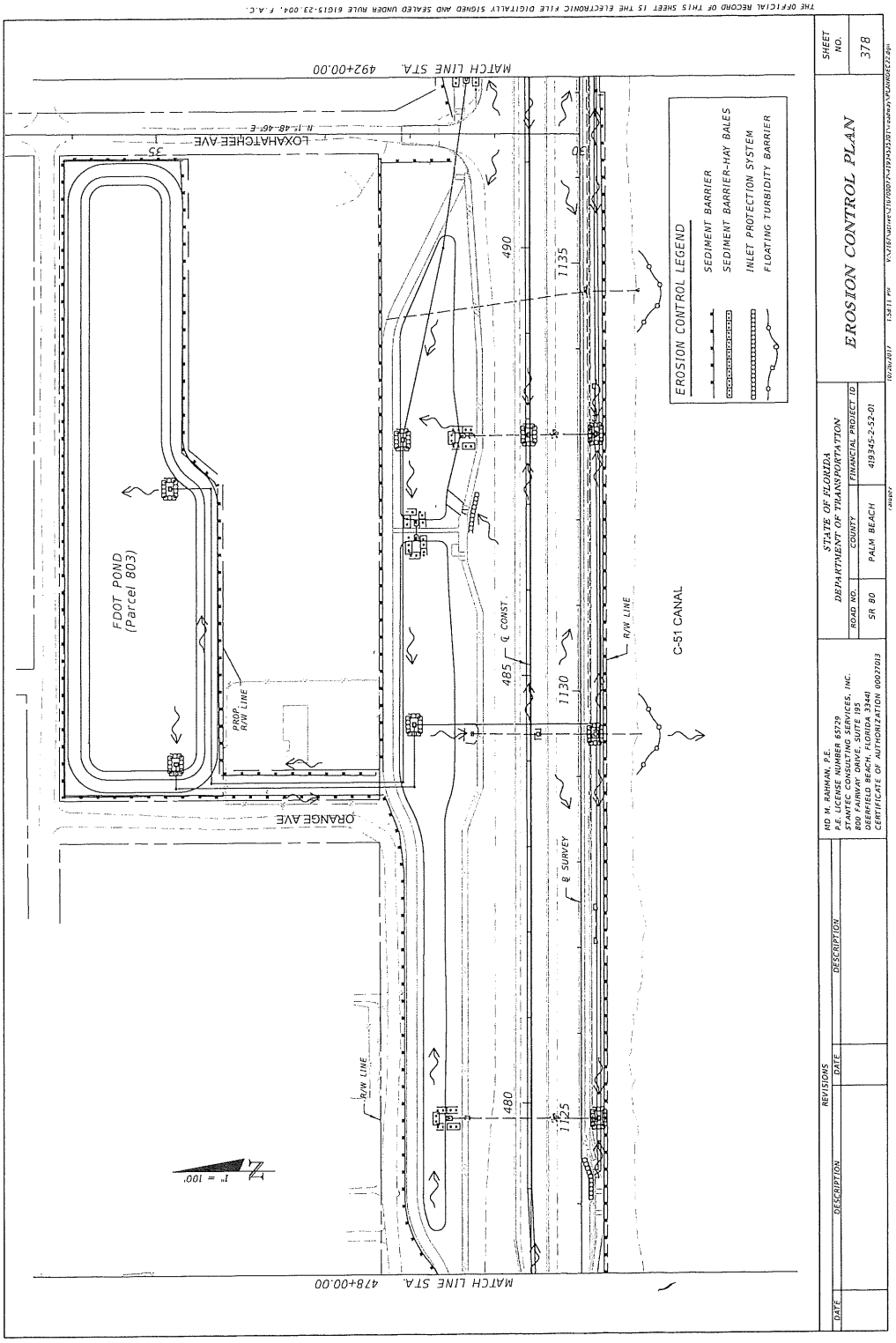


EXHIBIT 3
APPLICANT'S STATEMENT OF USE

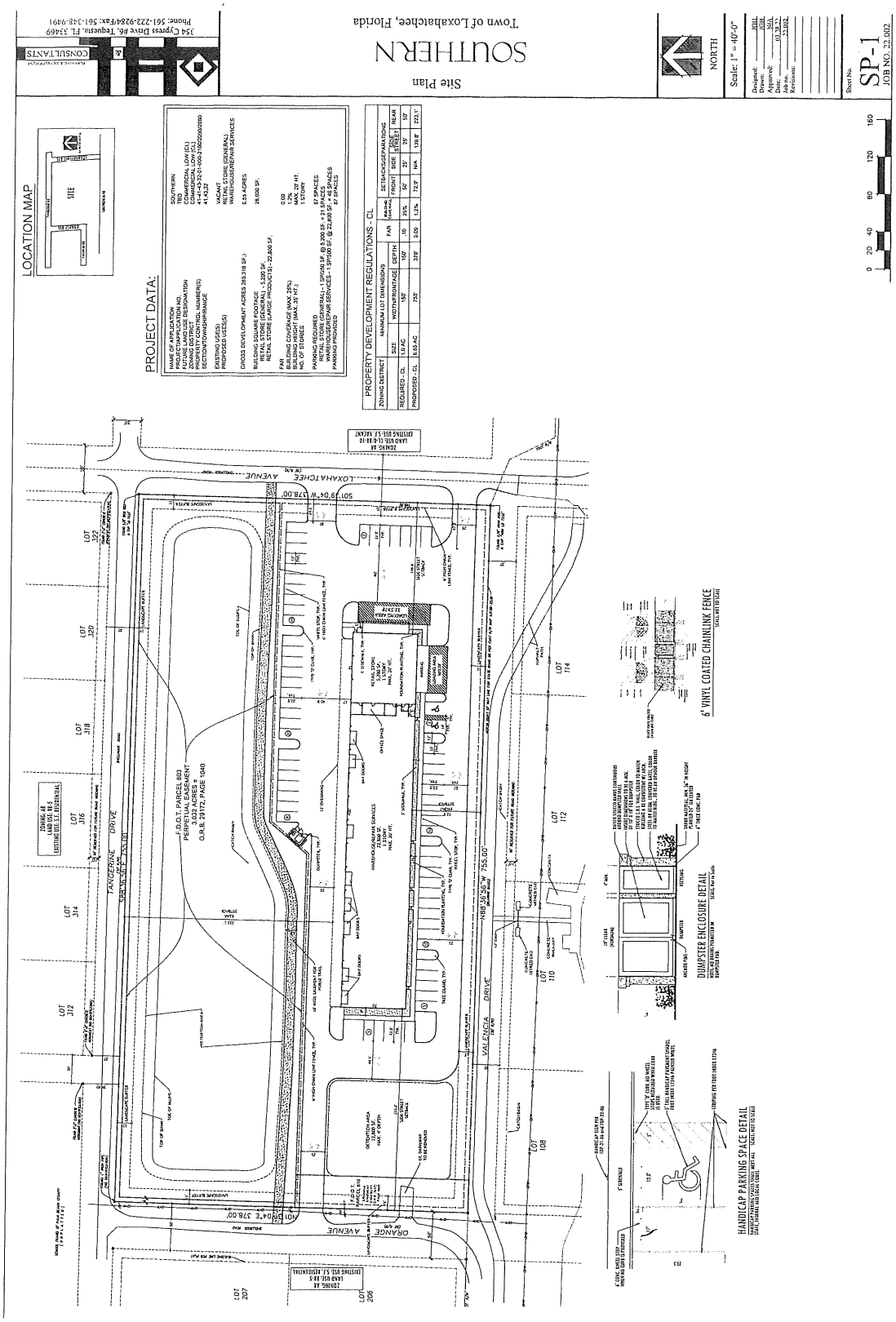
The Applicant is requesting to modify the approved site plan to allow a single tenant retail and retail service type use on the subject site. Established in 2009 as a locally and privately owned company, Southern has been a leader in the sales and service of both commercial and residential outdoor power equipment, golf carts and trailers. The vision for the new facility is to continue to provide a service that is needed throughout the community by both the residents and local companies, as well as our equestrian visitors who rely heavily on us to keep their trailers safe and well maintained.

The proposed site plan modifications remain consistent with the Unified Land Development Code of the Town of Loxahatchee Groves. Certain design elements were incorporated throughout the site which are consistent with the local environment such as landscape material, rural architectural features and proposed horse trail.

The proposed building will be designed with a country environment. The design of the building will have two main entrances, enhanced by 50-foot wide entrance awning with gable centers. A hitching post style rail will surround each entry giving the building a front porch theme, while each exterior entry façade will be covered with natural stone. A ventilation stack on the roof will be concealed with a clock tower, reminiscent of an old town square.

The site plan modification request remains consistent with the CL Future Land Use Designation, as well as the CL Zoning District. Historically, the subject site has been developed with a single-family home. More recently, FDOT has developed a retention area along the north half of the property to be used as compensation area for the adjacent roadway systems.

EXHIBIT 4 – PROPOSED REVISED SITE PLAN



V. STAFF REVIEW SUMMARY

A. Adjacent Land Uses

Direction	Existing Uses	FLU and Zoning Designations
North	Tangerine Drive. Beyond Tangerine Drive are 6 0.35 acre lots (Five with a single family residence and one vacant). To the west is a 2.06 acre parcel owned by the School District	Rural Residential 5 FLU and Agricultural Residential AR zoning
South	Valencia Drive and Southern Boulevard rights-of-way.	NA – Road rights-of-way
East	Loxahatchee Avenue. Beyond Loxahatchee Avenue is a vacant 9.23 acre property with the following development approval: Southern Crossings MUPD: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.	Commercial Low Office (CL-O) FLU and Multiple Use Planned Development (MUPD) zoning (County zoning designation).
West	Orange Avenue. Beyond Orange Avenue are two 0.54 acre lots (One with a single-family residence and one vacant)	Rural Residential 5 FLU and Agricultural Residential AR zoning.

B. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Property can be served by County central water/wastewater along Southern Boulevard. Letter from Palm Beach County Water Utilities Department provided with previous approvals.
Surface Water Management	Preliminary Grading and Drainage Plan submitted. Drainage statement included in previous approvals. Property currently drained by sheet flow to adjacent public rights-of-way. The property is within the SFWMD C-51 Basin. A drainage system will be designed and approved by the Town's Consulting Engineer as part of the land development review process prior to filing an initial building permit.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Traffic Analysis provided by Pinder Troutman Consultants, Inc. Study concludes that projected P.M. peak-hour traffic will have no significant impacts. . County TPS Approval letter received. No significant road impacts identified. Project buildout date set at 12.31.2025.
FIRE/EMS	Letter from Palm Beach County Fire/Rescue stated that service is provided by Station #21, located at 14200 Okeechobee Blvd. A letter from Fire/Rescue was submitted with a previous approval indicating an estimated response time less than the average for the nearest station.

C. Environment

Item	Summary
Natural Resources	The applicant stated in a previous application that the property has no wetlands or surface waters and was previously cleared and filled and periodically mowed. Existing vegetation is primarily upland grasses, with limited areas of Cabbage Palm, Slash Pine, and exotics, including Brazilian Pepper. A tree survey, indicating Live Oak, Slash Pine, Acacia, Sable Palm and Florida Holly locations is included in the initial site plan application.
Historical Resources	A letter from the County Archaeologist was submitted in a previous application. No known sites on or within 500 feet of the property
Flood Zone	Zone X-500.

D. Comprehensive Plan Consistency

The subject property currently is assigned Future Land Use Map and Zoning designations of Commercial Low (CL). The Site Plan, which proposes a 28,400 sq. ft. commercial development, is consistent with the assigned designations and the following Comprehensive Plan directives:

- FLU Objective 1.2 The Town shall support development of rural style commercial center along the Southern Boulevard Corridor.

- FLU Policy 1.2.1 The Town shall limit new commercial development to areas south of East Citrus Road border to border.

- FLU Policy 1.12.3 The Town shall encourage development of a rural-style commercial center along the Southern Boulevard Corridor to provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents.

E. Zoning Requirements: CL Zoning District

Regulation	Standard	Property Complies?
Minimum lot size	1 acre	Yes/6.55 acres
Frontage and Access	Paved Collector or Arterial	Yes/Southern Blvd.
Minimum frontage/width	150 feet	Yes/755 feet
Minimum depth	150 feet	Yes/378 feet
Maximum Floor-Area-Ratio	0.10	Yes/0.0995
Maximum building and roofed structures lot coverage	25%	Yes/0.0995
Front setback	50 feet	Yes/72.9 feet
Side street setback (east)	40 feet	Yes/139.8 feet
Side street setback	40 feet	Yes/215.2 feet
Rear setback	50 feet	Yes/223.1 feet
Minimum pervious area	30%	Yes/60%
Maximum building height	35 feet	Yes/25.7 feet

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

Requirement	Response
Vehicular and pedestrian access	Property is bordered by four roads: Southern Boulevard (Valencia Drive); Tangerine Drive; Loxahatchee Avenue; and Orange Avenue. Access to Tangerine prohibited by Ordinance 2014-01. Proposed Site Plan indicates access from Orange Avenue and Loxahatchee Avenue. An on-site Equestrian Trail within the FDOT Perpetual Easement and shared-use path along Southern.
On-site circulation	Proposed Site Plan illustrates the locations of drive aisles providing on-site circulation and site access drives.
Parking	Proposed Site Plan illustrates the locations of parking areas and the number and size of parking spaces and drive aisles.
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	Traffic Analysis provided. Conclusion - no improvements necessary. TPS Approval letter from Palm Beach County. Previous Condition of Approval; owner to fund the cost to construct Loxahatchee Avenue as a 2-laned paved roadway from Southern Boulevard north to the Loxahatchee Avenue entrance to the project.

G. ULDC Article 85: Landscape Plan Requirements (See Exhibit 5)

Requirement	Response
Section 85-025 (C) Plots of 2 acres or more shall preserve or create and maintain an ecological community of at least 3% of area of the property	Credit to be given for landscape buffer Not required) between the parking lot and the FDOT Easement.
Section 85-040 (D) (2) and (3) A tree survey, including trees to be removed or relocated, including proposed relocation sites	Native Tree Survey provided in previous Site Plan application. Mitigation plan, including trees to be removed or relocated shall be completed as part of the Town's Floodplain Development Application (FDA) and Tree Removal Permit review.
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Provided in Landscape Plan, Landscape Specifications and Planting Details.
Section 85-040 (E) Irrigation plan if irrigation system to be used	Condition of Approval. To be reviewed by Town Engineer at the time of Land Development Review.
Section 85-050 (A) (1) No substances that prevent water percolation in areas not containing structures or paving	Per Site Plan, structures and paving constitute impervious area.

Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5 foot height along 20% of the structure frontage	Landscaping along 3 sides of the proposed building– meets requirement
Section 85-050 © Interior open space area @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Calculated in Site Plan – Interior open space at 22% - meets requirement.
Section 85-050 (B) interior open space tree and shrub requirements: 20% of building frontage	Meets requirement – 100% of frontage except at entrances. Calculated in Landscape Plan – meets requirement: 14 trees; 195 shrubs.
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	One dumpster. To be screened per Section 85-050 (D) – meets requirement
Section 85-050 (E) Signs screened	Two monument signs allowed. To be screened per Section 85-050 (E) – meets requirement. Administrative Amendment allowed.
Section 85-055 (B) Landscape buffer along property line abutting AR District	15 foot landscape buffers provided on north and west property lines per Site Plan and Landscape Plan. – meets requirement
Section 85-050 (C) 15 foot vehicular use landscape strip (not counted as interior open space)	15 feet provided on south, east and west parking lots per Site Plan and Landscape Plan. - meets requirement.
Section 85-050 (C) (1) Vehicular use landscape requirements	Vehicular use areas provided with landscape islands per Site Plan and Landscape Plan – meets requirement

H. ULDC Supplementary Requirements

a. ULDC Article 90 Signs

Allowed Signs	Response
Sections 05-040 Permits required and 90-070 Sign permit requirements	Condition of Approval
Section 90-040(B) Standards by sign type and zoning district (CL District shopping center or other multi-tenant center)	**Section 90-040(B) Standards by sign type and zoning district (CL District shopping center or other multi-tenant center)**
(1) Mandatory attached building identification (i.e. address) sign : 1 per structure or business @ maximum sign face of 4 sq. ft.	(1) Mandatory attached building identification (i.e. address) sign : 1 per business @ maximum sign face of 4 sq. ft. Requires sign permit
(2) Attached awning sign (optional): Maximum 1 per structure or business @ maximum sign face of 4 sq. ft.	(2) Attached awning sign (optional): Maximum 1 per business @ maximum sign face of 4 sq. ft. Requires sign permit

Allowed Signs (continued)	Response (continued)
(3a) Outparcel or individual stand-alone building wall sign(s): 1 per building, 2 if corner location @ maximum sign face of 18 sq. ft. to 36 sq. ft.	2 signs allowed @ maximum sign face of 18 sq. ft. to 36 sq. ft. Requires sign permit.
(5a) Individual building free-standing monument or panel sign(s): 1 @ maximum sign face area of 60 sq. ft. and 1 secondary @ 12 sq. ft.	2 signs allowed @ maximum sign face area of 60 sq. ft. and 12 sq. ft. Requires sign permit. Administrative Amendment allowed.
Sections 90-065 Landscaping around signage to meet the requirements of Section 85-050 Landscape design for interior open space	Sections 90-065 Landscaping around monument signs to be determined with sign permit. Administrative Amendment allowed.

b. ULDC Article 95 Parking and Loading

Requirement	Response
Section 95-010 Minimum parking space requirements – 142 spaces required. 3 handicap spaces required (Ref: Table 208.2 PBC ULDC – 2% of total)	67 spaces provided. 67spaces provided 2 handicap spaces provided – meets requirement
Section 95-025 Size of parking spaces – Standard space = 11' x 22.5". Handicap space = 14' x 22.5'	Proposed parking space distribution: 1. Standard spaces. 11 x 22.5 spaces = 67 spaces; and 2. 14' x 22.5' Handicap spaces = 2 spaces
Section 95-050 Minimum loading space requirements (i.e. for uses that receive materials by truck).	2 loading spaces provided. Meets requirement
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	Loading spaces at 20' x 50', 20' and 22.5' x 78' – meets requirement.

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

Criterion	Compliance
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	The property consists of lots 208 – 215 Plat One Loxahatchee Homes; Plat Book 22 Page 55 of the Public Records of Palm Beach County, Florida.
Section 150-020 (B) Consistency with the Loxahatchee Groves Comprehensive Plan	Yes – Refer to Section D, above.
Section 150-020 (C) Conformance with the Town of Loxahatchee Groves ULDC	Yes – Refer to Sections E to G.
Section 150-020 (D) Conformity with the water control district's requirements and regulations.	Proposed drainage discharge to be permitted by LGWCD.

J. Architecture (Discussion of Rural Vista Guidelines by Applicant)

The proposed development plans are consistent with the Rural Vista Guidelines with major architectural features as outlined below. Additional detail is presented in Attachment C.

- Gable centered between two hips.
- Shed metal roof with overhangs on all sides.
- Building entries will have two separate roof elements to create covered decks or porches with metal roofing.
- The covered porches will be framed with natural finished wood beams and posts. Stone cladding to match.
- The building will have a 48" stone base water table across the south elevation and east side of the building.

K. Compatibility

An inventory of land uses adjacent to the subject property is presented in Section A. All adjacent properties lie beyond street rights-of way. Properties to the west and north are currently assigned Future Land Use designations of Rural Residential 5 (density of one dwelling unit per five acres) and Zoning designations of Agricultural Residential (AR). Actual densities are considerably higher, however, as all properties are considerably smaller than 5 acres (i.e. 0.35 to 0.54 acres each).

The adjacent property to the east, beyond Loxahatchee Avenue, is a vacant 9.23 acre property (i.e. Southern Crossings MUPD) with the following development approval: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can compliment and support each other. For example, a residential use can help support a commercial use and, conversely, the commercial use can provide essential goods and services to residents of surrounding neighborhoods.

Separation of potentially incompatible uses can act to fully or partially mitigate potential incompatibilities. To the west and north the subject property is separated from adjacent residential properties by fifty foot rights-of-way (i.e. Orange Avenue and Tangerine

Drive). A condition of the FLU Map amendment prohibits site access from Tangerine Drive

In addition to separation of uses, access management, buffering, screening, setback, height, landscaping, and architectural requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

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

The CL Future Land Use and Zoning designations (maximum intensity of 0.10 F.A.R.) combined with the Rural Vista Guidelines provides the Town with an opportunity to establish rural-style commercial uses along Southern Boulevard. Comprehensive Plan directives regarding compatibility with neighboring properties and implementation of Rural Vista Guidelines directives along with implementation of buffering and screening techniques are used to insure compatibility.

VI. STAFF CONCLUSION AND RECOMMENDATION

Staff finds proposed Site Plan Amendment SPA 2022-01 (Southern Lawn Equipment) consistent with the Town's Comprehensive Plan and land development regulations and recommends approval subject to the Conditions of Approval presented in Exhibit 6.

EXHIBIT 5
Property Landscape Plan: SPA 2022-01

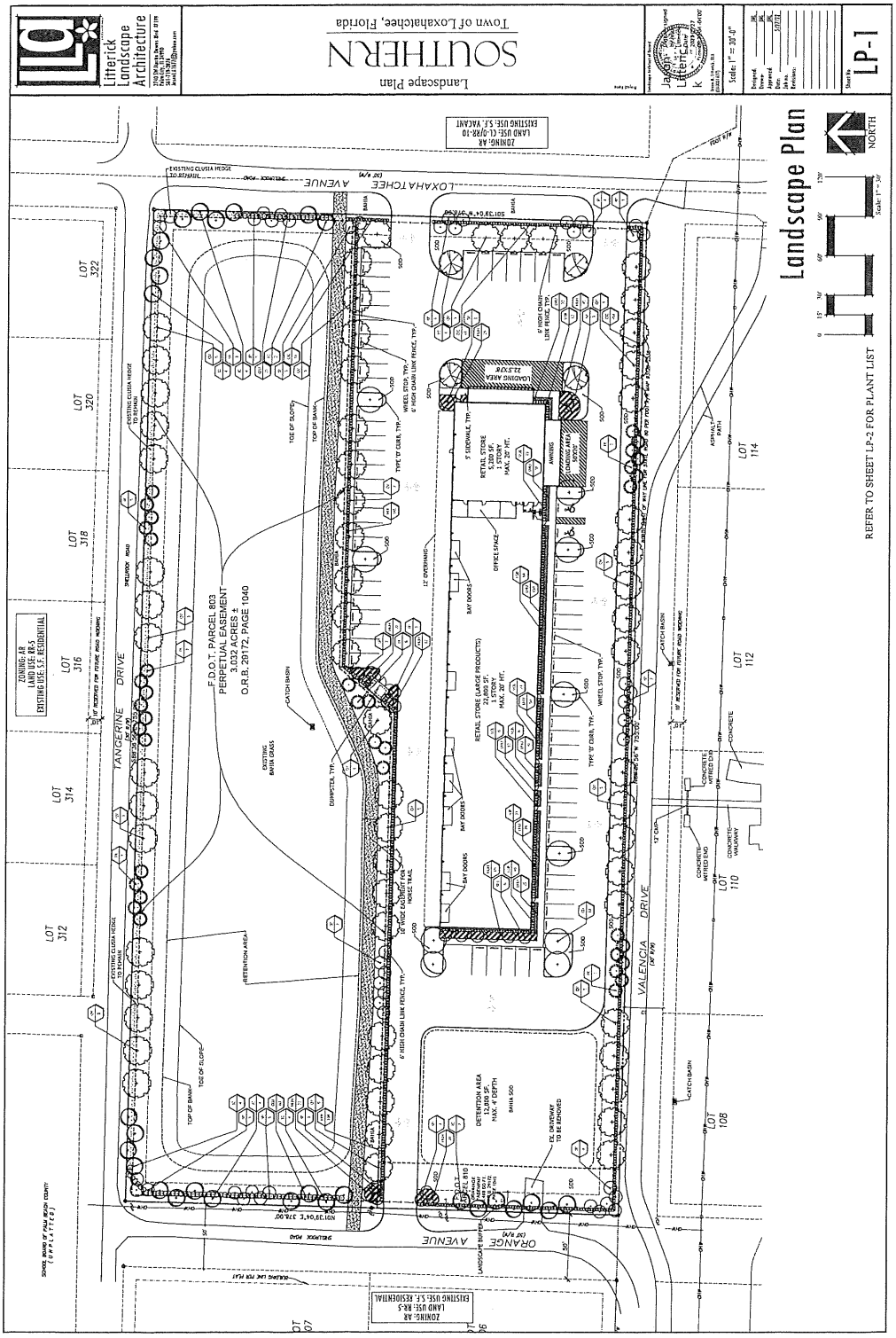


EXHIBIT 6
CONDITIONS OF APPROVAL

PREVIOUS CONDITIONS OF APPROVAL

1. All previous conditions of approval applicable to the subject property, as contained in Town Resolution 2015-036 have been updated and consolidated as contained herein.

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 Exhibit 4 (Southern Site Plan). The approved Site Plan is dated March 28, 2022. All modifications to the Site Plan shall be approved by the Town Council with the following exceptions which may be approved by the Town Manager:

(a) Administrative amendments permitted under Section 155-005 of the ULDC;

(b) Amendments necessary to comply with Site Plan Conditions of Approval; and

(d) Infrastructure and utility improvements which are in accordance with the ULDC.

3 The Town Manager and his designated agents shall review and approve all building permit applications prior to processing by the Building Official for consistency with the following: (1) Site Plan and Conditions of Approval; (2) Landscape Plan; and (3) Elevations.

4. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.

5. The landscape buffer along the northern parking area identified on the Final Landscape Plan dated May 27, 2022 shall be credited to meeting the requirement for a 0.20 acre preserve area.

6. Prior to submittal of any building permit applications for processing by the Building Official, the Town Engineer shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.

7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be reviewed and approved by the Town Engineer and the Town prior to applying for an initial building permit.

8. A 10-foot easement for a greenway and horse trail shall be granted by the property owner at the time of platting consistent with the general location indicated on the Landscape Plan dated May 27, 2022.

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 0.10 in order to accommodate a maximum of 28,000 sq. ft. of warehouse/repair services and retail store uses.

b. Building height shall be limited to one story.

ARCHITECTURAL

1. Architectural features and floor plans shall comply with the Floor Plan prepared by Architectural Consultants, Inc. (Sheet A1.0) dated .May 28, 2022.

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, 2025. A time extension for this condition shall be acknowledged by the Town of Loxahatchee Groves pursuant to a State of Emergency Order issued by the Governor of Florida upon written notification by the Owner, or approval of a traffic study which complies with the Palm Beach County Mandatory Traffic Performance Standards in place at the time of the request.

2. Prior to receiving the first Certificate of Occupancy, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from Southern Boulevard north to the Loxahatchee Avenue entrance to the project , as indicated on the Site Plan, dated March 28, 2022. Alternatively, if funding for this project has been received by the Town from a prior source, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from the Loxahatchee Avenue entrance to the project, as indicated on the Site Plan, dated March 28, 2022 north to Tangerine Drive.

3. Prior to the issuance of the Site Development Permit and Building Permit for this project, the Applicant shall provide itemized infrastructure cost estimates and surety per Town Code Section 100-060.

4 Prior to the commencement of construction of this project the Applicant shall:

a. Provide the Town Engineer with copies of all permits, permit applications, and requests for additional information to and from the regulatory agencies regarding issues on all permit applications, certification, and approvals for this project including, but not limited to, the South Florida Water Management District, Palm

Beach County Water Utilities Department, Florida Department of Transportation, Palm Beach County Fire Rescue, Palm Beach County Health Department, etc.

b. Schedule a pre-construction meeting with the Town. Inspections related to the Site Development Permit for this project will not be performed until the pre-construction meeting has occurred. Failure to comply with this condition could result in a Stop Work Order for all work and construction activity related to this project.

5. The Applicant shall comply with all Federal EPA and State of Florida Department of Environmental Protection NPDES requirements including, but not limited to, preparation of a stormwater pollution prevention plan and identification of appropriate Best Management Practices, as generally accepted by the Environmental Protection Agency (EPA) and local regulatory agencies, for construction activities, implementation of the approved plans, inspection, and maintenance of controls during construction, including a Notice of Intent prior to the start of construction and a Notice of Termination prior to the certification of the Site Development Permit.

6. The construction, operation, and maintenance of any elements of this project shall not have any negative impacts on the existing drainage of the surrounding areas. If at any time during the project development, it is determined by the Town that any of the surrounding areas are experiencing negative drainage impacts caused by this project, it shall be the applicant's responsibility to resolve said impacts in a period of time and a manner that is acceptable to the Town prior to additional construction activities. The Town may issue a Stop Work Order or cease issuance of any related Building Permits until all drainage concerns are resolved.

7. Prior to the issuance of the Certificate of Completion for the Site Development Permit, the application shall:

a. Provide copies of the required test results as provided for on the plans and specification and in accordance with FDOT for review by the Town Engineer.

b. Submit to the Town any required recorded easements and easement modifications.

c. Provide electronic certified civil design as-built drawings in both PDF and AutoCAD formats for review and approval by the Town Engineer.

8. Prior to the issuance of the Certificate of Occupancy for this project, an ADA pedestrian sidewalk to Southern Boulevard and the vehicular driveway connections to Loxahatchee Avenue and Orange Avenue must be constructed, certified, and approved by the Town.

9. Survey, plat, site lighting plans, civil engineering plans, and mechanical, electrical and plumbing plans and details shall be included with documents submitted to the Town Engineer and/or Building Official during the Land Development Review Process/

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code coincident with the Town's land development review process.

2. Project landscaping shall conform to the Landscape Plan dated May 27, 2022.

EXTERIOR LIGHTING

1. All lighting shall conform to the Photometric Plan prepared by E & C Engineers, Inc. dated April 13, 2022, or as revised based upon Town Engineer direction.

2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable at this time. A future bus shelter may be developed within the Southern Boulevard right-of-way at the discretion of Palm Tran and the Florida Department of Transportation.

PARKING AND LOADING

1. The Site Plan shall indicate 67 parking spaces at the standard size of 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 67 spaces.

SIGNS

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

2. A Mandatory Building Identification Sign (maximum sign face of 4 sq. ft.) shall be attached to the structure.

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

   a. Two Free-Standing Monument Signs with a maximum sign face of 60 and 12 sq. ft. respectively.

   b. Two attached building wall signs with a maximum of 36 sq. ft. each.

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 building permit.

2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy

3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.