

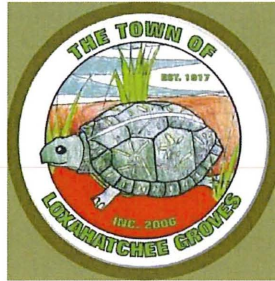
TOWN OF LOXAHATCHEE GROVES

TOWN HALL CHAMBERS

PLANNING AND ZONING BOARD MEETING

AGENDA

June 17, 2021 – 6:00 P.M.



PZB MEMBERS

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

Brett Raflowitz (Seat 2)
Neil O'Neal III (Seat 4)
Laura Cacioppo (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 2nd or 3rd Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA).

OPENING

- 1. Swearing-In of PZB members**
- 2. Election of Officers (Chairman and Vice-Chairman)**
- 3. Call to Order & Roll Call**

4. Approval of Agenda

5. Public Comments

REGULAR AGENDA

1. Culver's Restaurant Site Plan

2. Public Comments

COMMITTEE MEMBER COMMENTS

SET NEXT MEETING DATE (Tentative – July 15, 2021)

ADJOURN PLANNING AND ZONING BOARD

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
June 17, 2021**

**AGENDA ITEM STAFF SUMMARY:
Culver's Restaurant Site Plan Review**

I. Site and Applicant Information

Project Name	Culver's Site Plan Approval
Project Nos.	SP-20-0504
Agent	Taylor Parker, Bohler Engineering
Applicant	Kase Bethel
Owner	Solar Sportsystems, Inc
Parcel Control No.	41-41-43-31-12-002-0010 (a portion thereof)
Location	North side of Southern Boulevard west of Groves Town Center Drive
Size (Acreage)	1.39 Acres
Zoning	Multiple Land Use Planned Unit Development (MLU/PUD)
Future Land Use	Multiple Land Use (MLU)
Existing Use	Vacant
Approved Use	Commercial Low (Portion of Pod B of Groves Town Center PUD)
Proposed Use	Culver's Restaurant

II. Adjacent Properties (Existing Use, Future Land Use and Zoning)

LAND USE	NORTH	SOUTH	EAST	WEST
EXISTING USE	Vacant	Southern Boulevard followed by residential in Wellington	Vacant	Vacant
APPROVED USE	Groves Town Center Avocado Avenue followed by the Town Commons Pod	Southern Boulevard followed by residential in Wellington	Groves Town Center Pod B – Vacant	Groves Town Center Pod B – Approved Southern Palms Carwash
FUTURE LAND USE	MLU	Residential - Wellington	MLU	MLU
ZONING	MLU/PUD	Residential - Wellington	MLU/PUD	MLU/PUD

III. Submitted Support Documents

ITEM	CONTENT
Site Plan	Tabular computations, location and height of structure, floor area, vehicular circulation system and connections to internal streets and adjacent properties, adjacent public r-o-w, location of trash and garbage disposal system, location, dimensions, clearances and access of parking areas, location of drainage features, and location and design of signs.
Engineering Plans	Grading and Drainage Plan, Utility Plan, Soil Erosion & Sediment Phase 1 Control Plan, , Soil Erosion & Sediment Phase 2 Control Plan, Water and Wastewater Detail Plans, Irrigation Plan, Floodplain Development Application, Stormwater Management Report (SFWMD), Flood Zone Map (AE Zone).
Architectural Plans	Floor Plans and Elevations.
Service Provider Letters	Palm Beach County Water Utilities, GTC Conceptual Management Plan Traffic Statement and TPS Letter, Historic Preservation Letter
Natural Features Inventory	Tree Disposition Plan (tree survey and inventory and disposition)
Landscape Plans	Landscape Plan
Photometric Plan	Type, number and location of lighting fixtures. Lighting intensity at locations throughout the site, including perimeter property lines. Meets requirements of the town Code.

IV. Property History

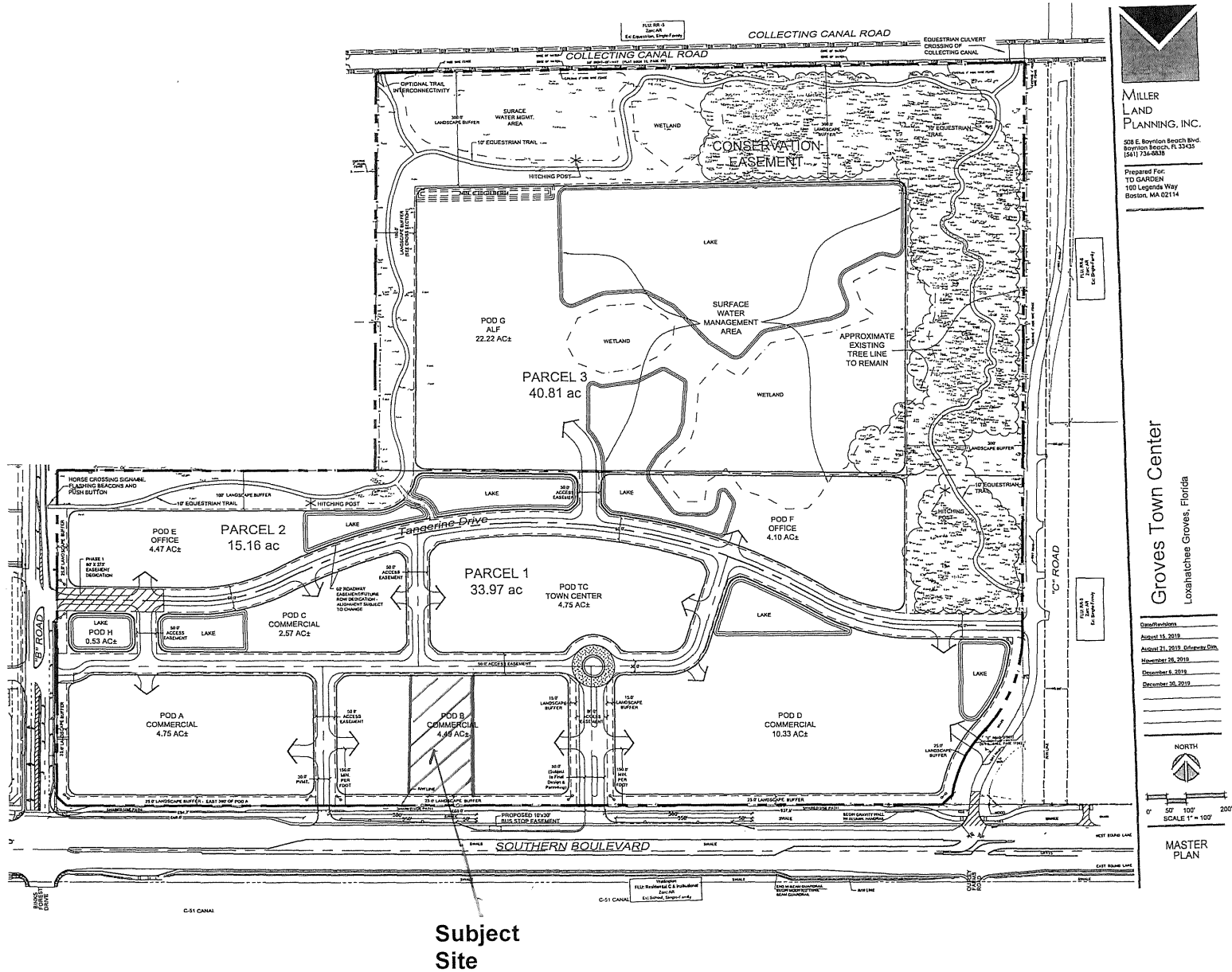
The 1.39 acre Subject Site, located in Groves Town Center Pod B on the north side of Southern Boulevard west of Groves Town Center Drive, consists of a single parcel. The property is part of the 90 acre "Groves Town Center" which was assigned a Multiple Land Use (MLU) future land use designation by the Town in 2011 (Ref: Ordinance 2011-17) 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, by the Town in 2015 (Ordinance 2013-10).

The Conceptual Master Plan, revised, most recently by Ordinance 2019-08, includes several Development Pods. The 1.39 acre Subject Site is located within the 4.98 Pod B which is designated for commercial uses on the Groves Town Center Conceptual Master Plan (Ref: EXHIBIT 1).

V. Staff Review of Site Plan Approval Application

Per ULDC Section 155-005 *Mandatory Site Plan Approval*, an approved site plan is required prior to development of the property. The Applicant has proposed approval of a 4,479 sq. ft. Culver's Restaurant on the 1.39 Subject Site. The proposed Site Plan is presented on EXHIBIT 2. Principal Site Plan characteristics are described and assessed in the following paragraphs.

EXHIBIT 1
Groves Town Center Conceptual Master Plan (Current)



C-301

ORG. DATE - 09/18/20

ORG. DATE - 09/18/20

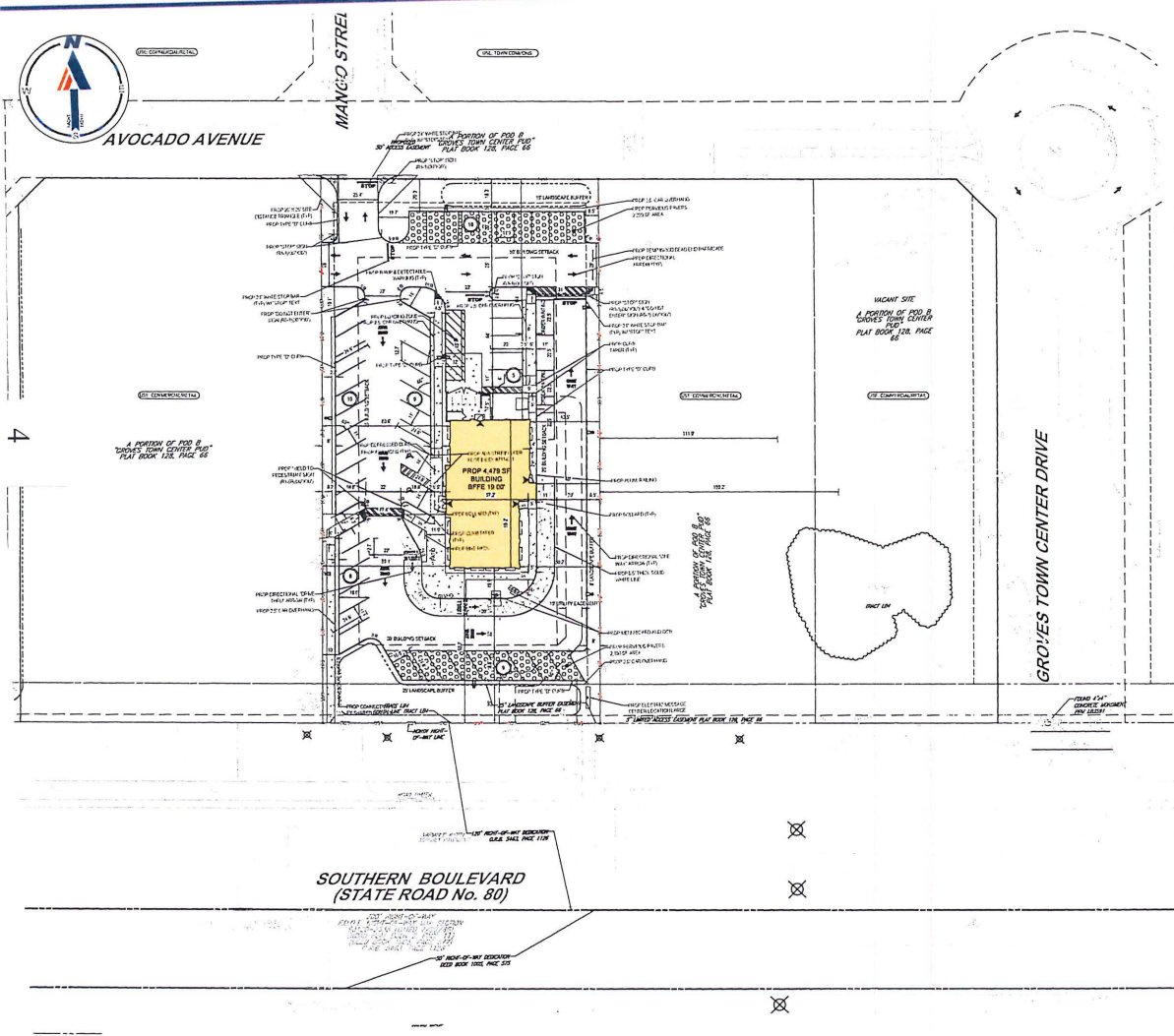
ORG. DATE - 09/18/20



SITE NOTES:

- ADA ACCESSIBILITY NOTES:**

- [illegible]



1. Adjacent Land Uses (Refer to Attachment 1)

Direction	Existing/Approved Uses	Potential Issues
North	Vacant/Groves Town Center (GTC) internal road (Avocado Avenue) followed by GTC Pod TC (Town Center)	None – Future Development
South	Southern Boulevard followed by the C-51 Canal	None – FDOT approved access improvements to be provided by FDOT and Groves Town Center
East	Vacant Pod B parcel/Future commercial development	None – Future Development
West	Vacant/Pod B parcel – Approved Southern Palms Carwash	None – Proposed development

2. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Property can be served by County central water/wastewater along Southern Boulevard. Applicant currently coordinating with PBCWUD. An executed Standard Development Agreement (SDA) with the County will be presented to the Town within 30 days of Site Plan Approval by the Town
Surface Water Management	Stormwater Management Report and Civil Plans provided. The drainage system will consist of a dry detention area and underground exfiltration trenches. Legal positive outfall provided by discharge to the GTC Master Drainage System. A control structure will regulate discharge to the Master Drainage System.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute an agreement with the Town's Contract Hauler for collection.
Transportation	GTC Traffic Statement provided. Projected trips do not exceed the approved threshold for GTC with a restriction that Culver's not open until after the A.M. peak time of 7:00 – 9:00.
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 indicating an estimated response time less than the average for the nearest station.

3. Environment

Item	Summary
Natural Resources	The Stormwater Management Report states that the Subject Site contains a tree and grass surface coverage and there are no wetlands. A native tree inventory and disposition plan is included. No statement regarding animal species listed as protected by federal, state or local environmental regulatory agencies is included
Historical Resources	One known archaeological site (i.e. No. 8PB11426 -West Palm Beach Canal) is located on or within 500 feet of the subject property. If activities on the subject property impact the Canal, mitigation work may be required by the Florida Division of Historic Resources. A letter from the Florida Master Site File was provided stating that there are no cultural resources on the Subject Site.
Flood Zone	Zone AE, per Palm Beach County Flood Insurance Rate Panel 541 of 1,200 with a 100-year flood elevation of 17.6 feet NAVD.

4. Comprehensive Plan and Zoning Consistency

The Comprehensive Plan was amended in 2011 (i.e. Town Ordinance 2011-17) to add Special Policy 1.15.2 to the Future Land Use Element and revise the Future Land Use Map (FLUM) from RR 5 (Rural Residential 5) to MLU (Multiple Land Use) on the related 90.3 acre parcel of land located at the northeast corner of B Road and Southern Boulevard. Special Policy 1.15.2 was added to read as follows:

“1.15.2 Special Policy:

- (1) Land use and density/intensity of development on the property delineated as “Special Policy 1.15.2” on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 34.34 acres/ 103,000 sq. ft. of retail commercial space; Commercial Low Office - Maximum of 16.0 acres/44,000 sq. ft. of professional and medical office commercial space; and Institutional – Minimum of 40.0 acres/Maximum of 128 congregate living beds.
- (2) A 300 foot wide buffer shall be incorporated in the master plan along that portion of the MLU adjacent to the Collecting Canal”.

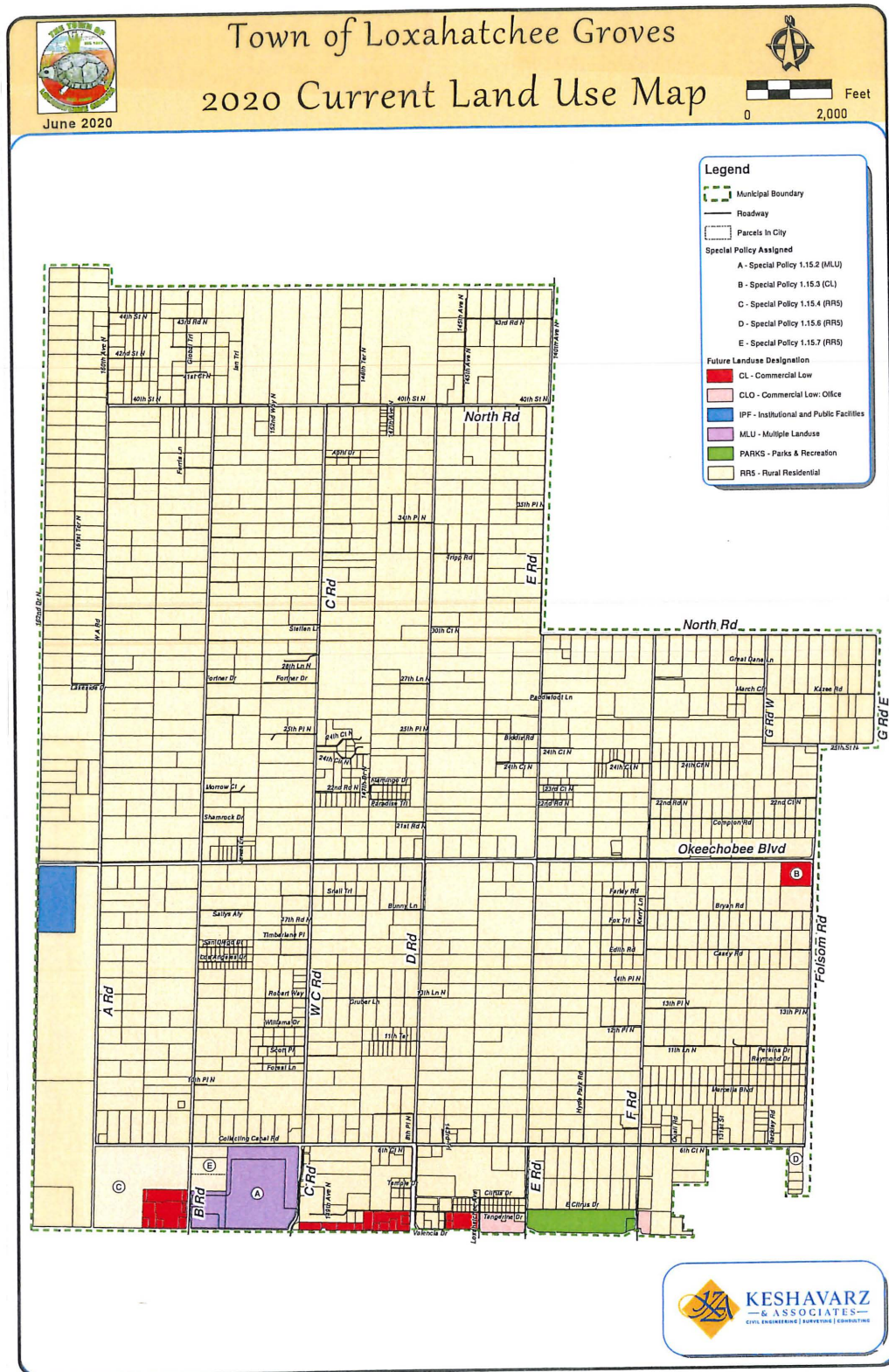
The amended FLUM indicating the MLU designation on the 90.3 acre parcel is presented on EXHIBIT 3. The proposed Culver’s Restaurant is located within the 90.3 acre MLU FLUM designation and included within the 103,000 sq. ft. of retail commercial space approved by Special Policy 1.15.2.

The Town Zoning Map was amended (Ref: EXHIBIT 4) in 2015 (i.e. Town Ordinance 2013-10) to assign a Multiple Land Use Planned Unit Development (MLU/PUD) designation to the 90.3 acre property which is the subject of Special Policy 1.15.2.

As part of the MLU/PUD designation, a Conceptual Master Plan (i.e. Groves Town Center (Ref: EXHIBIT 1) was approved. The proposed Culver’s Restaurant is located within Pod B of the Conceptual Master Plan which is designated for retail use.

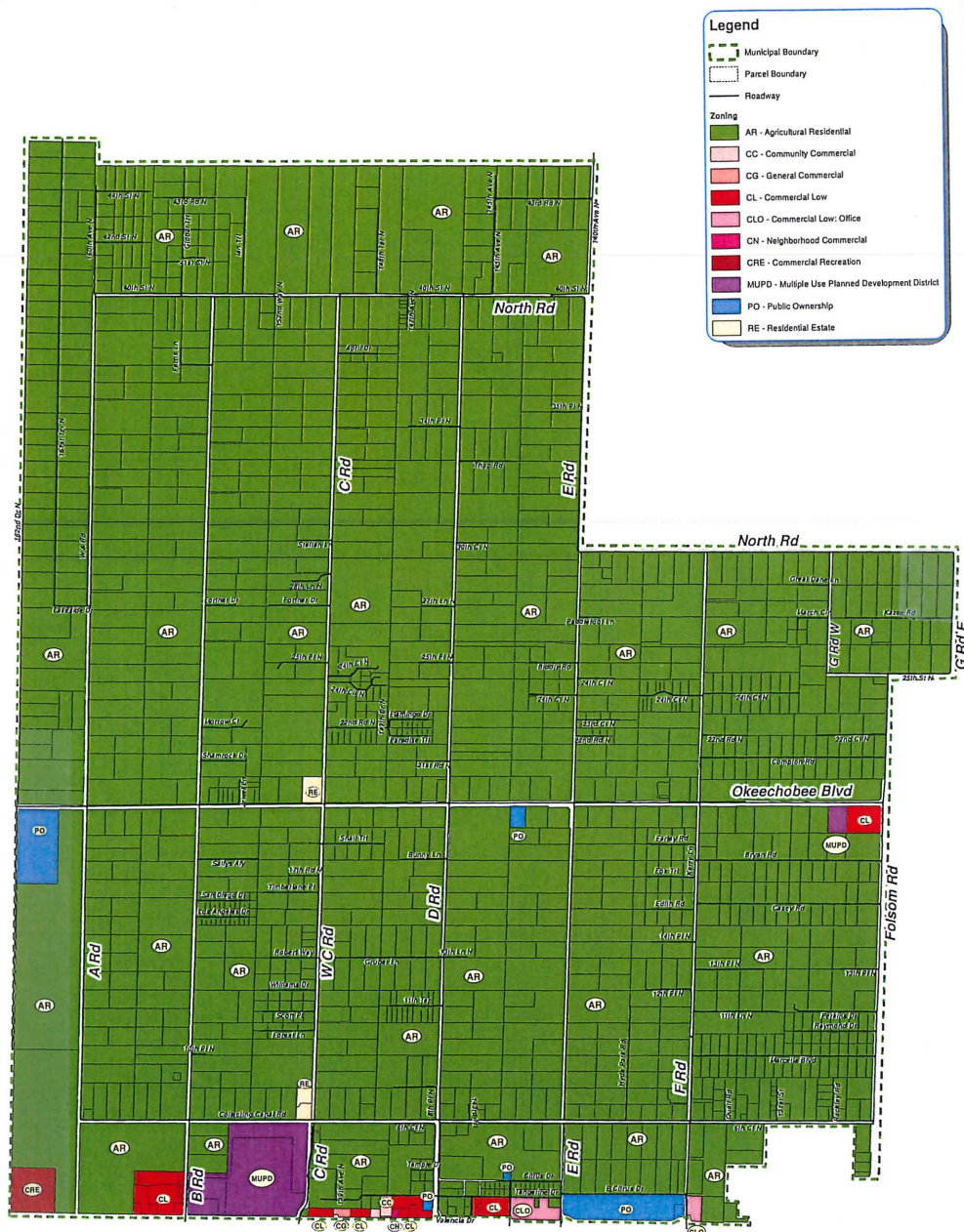
Based upon the above land use and zoning amendments, the proposed Culver’s Restaurant is consistent with the Town Comprehensive Plan, FLUM and Zoning Map.

EXHIBIT 3 Loxahatchee Groves Future Land Use Map (FLUM)



A graphic scale bar with a black and white checkered pattern. Below the bar, the number '0' is on the left and '2,000' is on the right. To the right of the bar, the word 'Feet' is written.

2020 Current Zoning Map



5. Zoning Requirements: CL Zoning District Regulations

Regulation	Standard	Property Complies?
Minimum lot size	1 acre	Yes – 1.39 acres
Frontage and Access	ULDC Section 100-35: legal access from a publically dedicated street	Yes – Proposed access to both Southern Blvd. and “B” Road via interior MLUPUD streets.
Minimum frontage/width	150 feet	Yes – 174.65 ft. on Southern Blvd.
Minimum depth	150 feet	Yes - 338.43 feet
Maximum Floor-Area-Ratio	0.10	Yes – 0.0752
Maximum building and roofed structures lot coverage	25%	Yes – 0.0752
Front setback	50 feet	Yes – 98.7 feet
Side setback	25 feet	Yes – 40 feet (East side) and 80.5 feet (west)
Rear setback	25 feet	Yes – 146.9 feet
Maximum impervious area	70%	Yes – 67.4%
Minimum pervious area	30%	Yes - 32.6%
Maximum building height	35 feet	Yes – 23 feet 1 inch

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

Criterion	Compliance
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	Property is in conformance with the Groves Town Center Plat, approved by the Town (Resolution 2010-27).
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 Section D, and E above and Section G, below.
Section 150-020 (D) Conformity with Town Water Control District's requirements and regulations.	Dry detention area and exfiltration trenches. Legal positive outfall provided by discharge to the GTC Master Drainage System to be approved by the Town

7. ULDC Supplementary Requirements

a. ULDC Article 85: Landscape Plan Requirements

Requirement	Response
Section 85-020 The location, including height, caliper and canopy spread of all landscape plant material	Provided in the Plant Schedule of the Landscape Plan (L-2)

Requirement	Response
Section 85-025 (B) Plots of 2 acres or more shall preserve or create and maintain an ecological community of at least 3% of area of the property.	Not applicable. Parcel size is 1.39 acres.
Section 85-030 Site distance for landscaping adjacent to street intersections and points of access (Ref: ULDC Section 105-005 Site distance triangle): 10 feet from the intersection on driveway and street.	1 10-foot Site Distance Triangles at the intersection of the north driveway and Avocado Avenue.
Section 85-050 Landscape plan requirements for non-residential/non-agricultural land uses.	Landscape and Irrigation Plans and Landscape Elevations provided (L-1 – L6)
Section 85-050 (D) (2), (3) and (11) A tree survey, including trees to be removed or relocated, including proposed relocation sites	Tree inventory and tabular list provided in the Tree Disposition Plan (L-1). Trees to be removed are identified Additional detail regarding mitigation to be provided in the Vegetation Removal Permit per ULDC Article 87.
Section 85-050 (E) Irrigation plan if irrigation system to be used	Provided in the Irrigation Plan (L-3)
Section 85-055 (B) (2) Primary structures treated with shrubs @ 2.5 foot height along 40% of the structure frontage	Provided in the Landscape Plan @ 100% of Southern Boulevard frontage (Sweet Viburnum hedge) (L-2)
Section 85-05 (C) (1) – (5) Interior open space area indicated on Landscape Plan	Interior Open Space at 24.3% indicated on Landscape Plan (L-2). Areas delineated on Landscape Plan
Section 85-055 (C) (1) – (5) Meets interior open space tree and shrub requirements	Landscape materials indicated on Site Plan (L-2).
Section 85-055 (F) Dumpsters, mechanical equipment and electrical transformers screened	Meets requirement. Provided in the Landscape Plan (L-2)
Section 85-055 (G) Signs screened	Monument Sign screened Provided in the Landscape Plan (L-2)
Section 85-055 (H) Existing vegetation credit requested and calculated	No credit requested.
Section 85-060 (B) Landscape buffer along property line abutting AR District	N/A – Adjacent property to north, east and west = Groves Town Center MLU/PUD. Southern Boulevard to the south.
Section 85-060 (C) 8-foot compatible use buffer	Provided 8-foot buffer on east and 10-foot buffer on west property lines per Site Plan drawing.

b. ULDC Article 90 Signs

Allowed Signs	Response
Section 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)	
(1) Mandatory attached building identification (i.e. address) sign : 1 per structure or business @ maximum sign face of 4 sq. ft.	Condition of Approval
(2) Attached awning sign (optional): Maximum 1 per structure or business @ maximum sign face of 4 sq. ft.	To be determined at the time of Sign Permit Application per ULDC Section 90-070 requirements.

Allowed Signs	Response
(3b) Shopping center or other multi-tenant center: 1 wall sign per building, 2 if corner location @ maximum sign face of 18 sq. ft. to 36 sq. ft.	Four proposed, one each on north, south, east and west elevations per Design Development Scheme "A" (A-4). Requires Sign Code variance.
(4) Attached canopy sign: 1 per canopy or 2 per building whichever is less @ 16 sq. ft. to 24 sq. ft.	None proposed per Design Development Scheme "A" (A-4).
(5a) Outparcel or individual stand-alone building free-standing monument or panel sign(s): Primary sign - 1 per building @ maximum sign face of 60 sq. ft.; Drive-thru secondary sign @ maximum sign face of 12 sq. ft.	1 Primary Sign and 1 Menu Board sign allowed – 1 monument sign and 1 menu board sign proposed per Site Plan Sign dimensions not indicted. Will be determined during Sign Permit approval.
(6) Real Estate or Project Sign (to be removed after sale or project completion) 1 per street frontage @ maximum sign face of 12 sq. ft.	To be determined at the time of Sign Permit Application per ULDC Section 90-070 requirements.
Sections 90-065 Landscaping around signage to meet the requirements of Section 85-050 Landscape design for interior open space	Provided in the Landscape Plan (L-2).
Traffic Control Signs	7 signs per Site Plan

c. Article 95 Parking and Loading

Requirement	Response
Section 95-010 (B) Minimum parking space requirements – 31 spaces required. 1 handicap spaces required (Ref: Table 208.2 PBC ULDC – 2% of total)	49 spaces provided. 2 handicap spaces provided. Exceeds code.
Section 95-100(A) Size of parking spaces – 90 Degree Standard space = 11' x 22.5'; 60 Degree Angle space = 11' x 24.5 feet; Handicap space = 14' x 22.5'	Size and dimension of parking spaces, including 2.5-foot car overhangs are depicted on the site plan. Meets code.
Section 95-100(A) Aisle widths: 22 feet for 60 degree parking and 28 feet for 2-way 90 degree parking.	Meets Code. 60 degree parking aisles = 22 feet. 90 degree parking aisle = 28 feet.
Section 95-050 Minimum loading space requirements (i.e. for restaurant uses 2,000 to 20,000 sq. ft.) = 1 space	1 provided. Meets code
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	1 space @ 12' x 45'. Meets Code.
Section 95-085 and 95-095 Minimum of 7 queuing spaces, 4 of which are prior to the menu board. Dimensions = 9' x 20'.	10 queuing spaces, 4 before the menu board. Queuing lane = 11' wide x 20 feet long. Meets Code.

d. Architecture

Proposed architectural elevations (Sheet A-4) are included in the site plan application. The Applicant has considered the Rural Vista Guidelines and applied them, where applicable, to the various design elements throughout the project.

- Trim at corners of buildings
- Breaks at larger building walls using banding, projections and canvas window awnings.

- Use of metal roofing where applicable
- Screening of mechanical and service areas
- Signage structures mimicking the architecture of the buildings
- Proposed Native Landscape material where possible
- All exterior lighting is directed downward and contains shields to be contained within the property boundaries

e. Compatibility

An inventory of land uses adjacent to the 1.39 acre Subject Property is presented in Section II of this analysis. The adjacent properties to the north, east and west are assigned a Future Land Use designation of Multiple Land Use (MLU), all of which are portions of the 90.32 acre Groves Town Center. The property is assigned a MLU/PUD zoning designation including retail and office commercial and assisted living uses laid out in an approved Conceptual Master Plan.

In addition to the Conceptual Master Plan, access management, buffering, screening, setback, height, landscaping, and incorporation of Rural Vista Guidelines design criteria can further enhance compatibility.

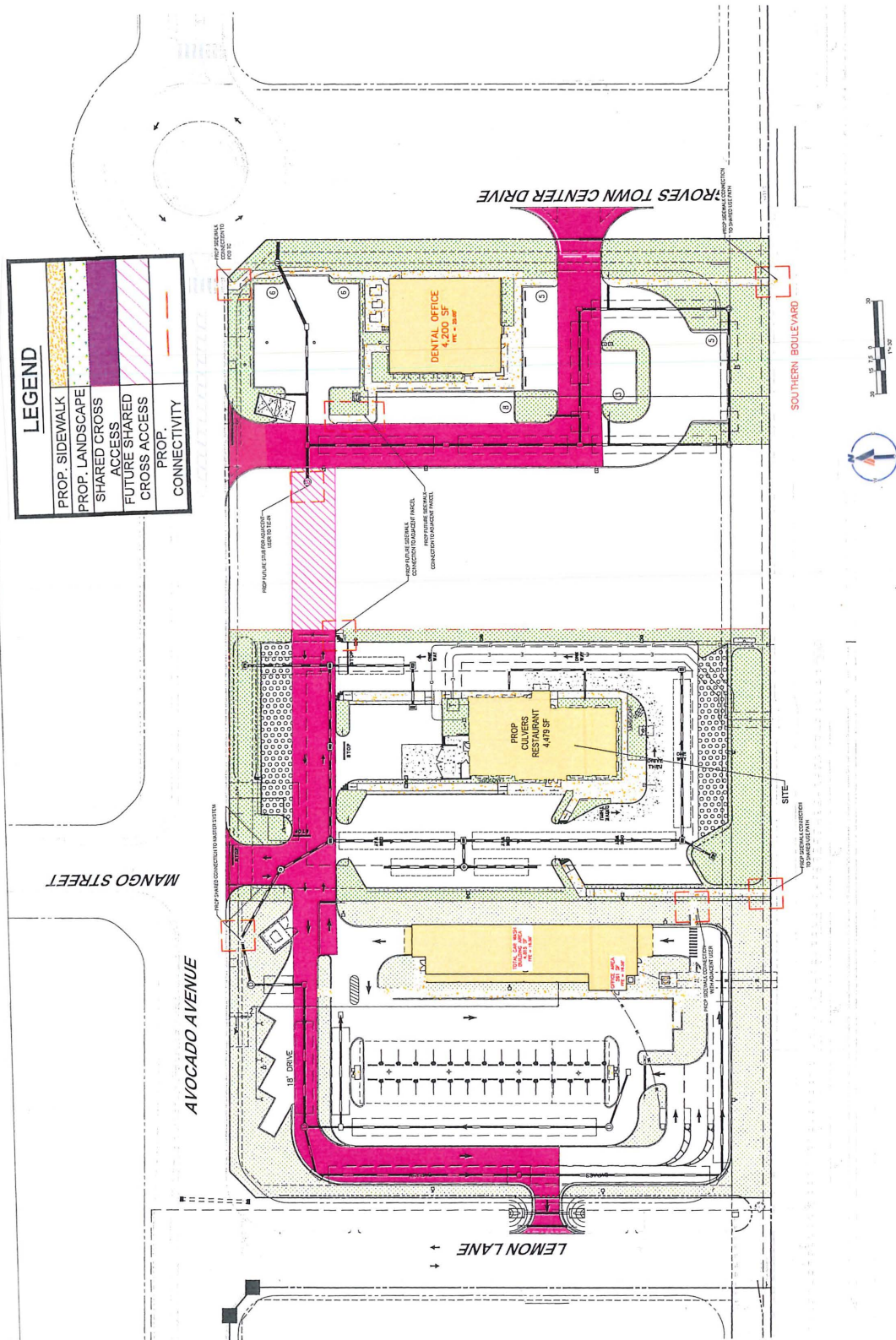
Individual uses, including Southern Palms Carwash and Heartland Dental Office, have approved site plans within Pod B. Culver's Restaurant and a yet-to-be determined fourth use will complete development within Pod B. To insure internal consistency among an between the four uses a Pod B Overall Site Plan (Administrative Plan) has been prepared to coordinate the following issues among the four uses: connectivity; common ingress/egress points; sidewalk access; landscaping and the Southern Boulevard berm. Compliance with the Administrative Site Plan (Ref: EXHIBIT 5) and common infrastructure plan will insure compatibility among four Pod B properties.

VI. Staff Recommendation

Staff finds the proposed site plan is consistent with the Town's Comprehensive Plan and land development regulations. Further, Staff recommends approval of SP-20-0504 subject to the, Site Plan dated September 18, 2020 and Conditions of Approval per ATTACHMENT A.

If the variance is denied, it is recommended that the site plan be approved subject to being revised to meet the 70% standard for impervious area.

EXHIBIT 5 Pod B Overall Site Plan (Administrative Site Plan)



POD B OVERALL SITE PLAN

BOHLER

200 S. BISCAYNE BLVD.
SUITE 1B-105
MIAMI, FLORIDA 33131
PHONE: (305) 591-2800
FLORIDA BUSINESS CERT. OF AUTH. NO. 30789

ATTACHMENT A

Culver's Restaurant Site Plan

Conditions of Approval

A. GENERAL

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

2. The Final Conditions of Approval in Town Ordinance 2019-08 are adopted and incorporated herein by reference. Ordinance 2019-08 assigned an amended Multiple Land Use Planned Unit Development (MLU/PUD) zoning designation to the site.

3. Development of the site is limited to the uses depicted and stated on the Culver's Restaurant Site Plan is dated September 18, 2020. 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 required to conform to the Conceptual Master Plan;
- (c) Amendments necessary to comply with Site Plan Conditions of Approval; and
- (d) Infrastructure and utility improvements which are in accordance with the ULDC

4. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code. Prior to fee title conveyance, a lot shall be platted.

5 The Town Manager and his designated agents shall review and approve all building permit applications prior to processing by Palm Beach County for consistency with the following: (1) Site Plan and Conditions of Approval; (2) Landscape Plan; (3) Floor Plans, and Elevations; and (4) Photometric Plan

6. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager and Town Engineer shall review and approve all related land development plans.

7. 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, 2022. 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.

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 4,479 sq. ft. of restaurant use consistent with the Site Plan dated September 18, 2020.

2. Per the Traffic Statement, to insure that. projected trips do not exceed the approved threshold for Groves town Center, the Culver's Restaurant shall not open until after the A.M. peak time of 7:00 – 9:00.

3. Bars and night clubs are prohibited.

4. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

5. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

6 Prior to submittal of any building permit cross-access agreements shall be executed with property directly abutting the site to its east and west.

C. ENGINEERING

1. The Pod B Overall Site Plan (Administrative Site Plan) shall be used cooperatively with remaining Pod B developers illustrating coordination of the following issues: shared drainage facilities, cross-access and pedestrian access locations, shared access and drive aisles, adjoining landscape buffers, and consistency of landscape materials.

2. Prior to the issuance of the Site Development Permit for this project:

a. A Cross Access Agreement shall be completed and recorded with adjacent Pod B projects to the east and west that adequately addresses vehicular, pedestrian, and bicycle access as well as drainage infrastructure capacity and connectivity.

b. The Master Site Development Permit for the 1st Phase of Construction must be approved by the Town.

3. Prior to the issuance of the Site Development Permit and Building Permit for this project, the applicant shall provide itemized cost estimates and surety for the affected portion of Pod B 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 all 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 issuance of the first Certificate of Occupancy within Pod B, the work associated with the Master Site Development Permit for the 1st Phase of Construction must be completed, certified, and approved by the Town.

9. Prior to the issuance of the Certificate of Occupancy for this project, the ADA pedestrian sidewalk to Southern Boulevard and the vehicular driveway connection and drive aisle to Avocado Avenue must be constructed, certified, and approved by the Town.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. Project landscaping shall comply with the Landscape Plan dated May 27, 2021, to include a landscape buffer berm within the 25-foot buffer on Southern Boulevard shown on the Site Plan dated September 18, 2020. The perimeter buffer berm along the Southern Boulevard frontage shall be constructed to a minimum height of 3 feet above the grade of the internal parking lot. The 3-foot berm shall be topped by a cocoplum hedge. A rendering of the berm and hedge shall be provided prior to any land clearing activity based upon a point of view from Southern Boulevard. The rendering shall clearly note the level of maturity of the plant materials and how long it will take for the installed materials to reach maturity.

3. The remainder of the onsite landscaping shall comply with the Landscape Plan dated May 27, 2021.

E. EXTERIOR LIGHTING

1. Exterior lighting shall comply with the Photometric Plan dated October 14, 2020 and the requirements of ULDC Section 50-030 *Outdoor Lighting*.

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

3. Per ULDC Section 50-030(D) (5) "*Glare*", open air parking lighting, with the exception of security lighting, shall be controlled by automatic devices that extinguish the lighting between 11:00 p.m. and dawn.

F. PARKING AND LOADING

1. All parking and loading shall occur on site, as indicated on the approved Site Plan dated September 18, 2020.

G. ARCHITECTURAL

1. Architectural elevations shall comply with Design Development Scheme "A", Sheet A-4 dated September 3, 2020.

H. SIGNAGE

The initial sign permit submittal shall include a master sign program detailing the location, number, colors and size of proposed signage within the Culver's Restaurant development. The master sign program shall be used as model for all subsequent signage within Culver's Restaurant development.

1. Per Sections 05-040 and 90-070 of the ULDC, Town permits for all project signs shall be obtained prior to building permit application.

2. All signs shall comply with the type, number, size and location standards of ULDC Section 90-040 (B).

I. UTILITIES AND SERVICES

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

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

H. ULDC WAIVERS

Per Ordinance 2019-08, the Property Owner has been granted the right to request the following two waivers: (1) Relief from ULDC Section 50-303(D) (5) "*Glare*"; and (2) ULDC Section 95-100(E) "*Wheelstops and curbing*".