

TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

155 F. ROAD, LOXAHATCHEE GROVES, FL 33470

PLANNING AND ZONING BOARD MEETING

AGENDA

AUGUST 11, 2026 – 6:00 PM



Robert Shorr (Seat 5), Chair

Cassie Suchy (Seat 2), Vice Chair

Lissette Vasquez Martinez (Seat 1), Member

Arlene White (Seat 3), Member

Vacant (Seat 4), Member

Administration

Acting Town Manager Valerie Oakes

Board Liaison: Caryn Gardner-Young, Community Standards Director

Board Clerk: Erica Leiding, Assistant to the Community Standards Director

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 is 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.

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

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

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

Comment Cards: Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

BOARD AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADDITIONS, DELETIONS, AND/OR MODIFICATIONS TO THE AGENDA

APPROVAL OF MINUTES

- [1.](#) 07/14/2026 Planning and Zoning Board Meeting Minutes

PUBLIC COMMENTS

A limited public audience can be accommodated in our Town Council chambers with mandatory facemasks and socially spaced seating. Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 12:00 p.m. (noon) day of the meeting. Comments received will be "received and filed" to be acknowledged as part of the official public record for the meeting. The meeting will be live-streamed and close-captioned for the general public via our website, instructions are posted there. There is a 3 minute limit per person.

REGULAR AGENDA

- [2.](#) 14805 Okeechobee Blvd Special Exception Request (Resolution 2026- 64)

COMMITTEE MEMBER COMMENTS

Robert Shorr (Seat 5), Chair
Cassie Suchy (Seat 2), Vice Chair
Lissette Vasquez Martinez (Seat 1), Board Member
Arlene White (Seat 3), Board Member
Vacant (Seat 4), Board Member

CONFIRMATION OF THE NEXT MEETING DATE

3. TBD

ADJOURNMENT

TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

155 F. ROAD, LOXAHATCHEE GROVES, FL 33470

PLANNING AND ZONING BOARD MEETING

MINUTES

JULY 14, 2026 – 6:00 PM – 8:54 PM



BOARD AGENDA ITEMS

CALL TO ORDER

The July 14, 2026 Planning and Zoning Board meeting was called to order at 6:00 PM by Chair Shorr.

PLEDGE OF ALLEGIANCE

The Board began the meeting by reciting the Pledge of Allegiance, led by Chair Shorr.

ROLL CALL

Seat No. 4 is currently vacant.

The roll call was conducted by Ms. Leiding, with the following members present:

Present:

- Robert Shorr – Temporary Chair (Seat 5)
- Lissette Vasquez Martines – Board Member (Seat 1)
- Cassie Suchy – Board Member (Seat 2)
- Arlene White – Board Member (Seat 3)

Staff Present:

- Caryn Gardner-Young – Community Standards Director/ Board Staff Liaison
- Erica Leiding – Assistant to the Community Standards Director / Board Clerk
- Jeff Kurtz – Town Attorney (via Zoom)

ADDITIONS, DELETIONS, AND/OR MODIFICATION TO THE AGENDA

There were no additions, deletions, and/or modifications to the agenda.

Following Agenda Item No. 2, Town Attorney Jeff Kurtz conducted a brief review of the Town's quasi-judicial hearing procedures prior to the consideration of the quasi-judicial agenda items.

APPROVAL OF THE MINUTES

1. Approval of Minutes from the June 09, 2026 ULDC Meeting.

MOTION: BOARD MEMBER SUCHY/ BOARD MEMBER WHITE MOVED TO APPROVE THE JUNE 08, 2026 PZB MEETING MINUTES. MOTION APPROVED (4-0).

PUBLIC COMMENTS

There were no public comments at this time.

REGULAR AGENDA

2. Appointment of Chair and Vice Chair

MOTION: BOARD MEMBER SUCHY/ BOARD MEMBER WHITE MOVED TO APPOINT ROBERT SHORR AS CHAIR. MOTION APPROVED (4-0).

MOTION: CHAIR SHORR/ BOARD MEMBER VASQUEZ MARTINEZ MOVED TO APPOINT CASSY SUCHY AS VICE CHAIR. MOTION APPROVED (4-0).

Discussion regarding the Town's quasi-judicial hearing procedures was held. Town Attorney Jeff Kurtz distributed a supplemental handout, *Exhibit A*, and reviewed the requirements of Town Ordinance No. 2024-08 governing quasi-judicial hearings. He explained that the Board's decisions on Agenda Item 3, Groves Medical Center – Resolution 2026-51 (Variance) and Resolution 2026-52 (Site Plan Amendment/Master Sign Plan), and Agenda Item No. 4, Panda Express – Resolution 2026-49 (Variance), Ordinance 2026-03 (Master Plan Amendment), and Resolution 2026-50 (Site Plan), must be based solely on the competent, substantial evidence presented during the public hearing.

Attorney Kurtz reviewed the ex-parte communication requirements and requested that each Board member disclose any communications with the applicants or Town staff regarding either application. All Board members disclosed that they had independently driven by the subject properties. Board Member Vasquez Martinez further disclosed that she had communicated with representatives of Panda Express regarding the application. No other Board members reported having any communications concerning either application.

Attorney Kurtz then administered the oath to all individuals who would provide testimony for Agenda Items 3 and 4.

3. Groves Medical Center – Resolution 2026-51 Variance & Resolution 2026-52 Site Plan Amendment (Master Sign Plan)

Community Standards Director Gardner-Young presented the staff report and provided an overview of the proposed Site Plan Amendment and Variance requests. She explained that, in evaluating the Site Plan Amendment, the Board must consider whether: (1) the request conforms to the approved plat; (2) the amendment is consistent with the Town's Comprehensive Plan; (3) the request complies with the Unified Land Development Code (ULDC); and (4) the request complies with the applicable Water Control District regulations.

Community Standards Director Gardner-Young further explained that, in evaluating the Variance request, the Board must determine whether: (1) the variance is necessitated by conditions unique to the property; (2) the hardship is not self-created; (3) denial of the variance would deprive the property owner of reasonable use of the property; (4) the request represents the minimum variance necessary to provide relief; and (5) granting the variance would be in harmony with the general intent and purpose of the ULDC.

Community Standards Director Gardner-Young noted that the proposed signage complies with the applicable ULDC sign standards. She stated that, if the requested approvals are ultimately granted by the Town Council, the applicant would be authorized to construct the improvements as proposed.

Community Standards Director Gardner-Young introduced presenter, Brian Cheguis of IPlanAndDesign.

Town Attorney, Jeff Kurtz, reminded the Committee that their role at this meeting is to be a fact finder as to whether the applicant has met all the conditions of the ULDC Section 150-020 on the consideration of Variances. It is the applicant's burden to justify the relief that they are seeking.

Vice Chair Suchy distributed a handout, *Exhibit B*, titled *Variance Criteria and Burden of Proof*, for the Committee's review and discussion. The Committee engaged in an extensive discussion regarding the site plan amendment, variance request and the applicable approval criteria. Members expressed differing opinions as to whether the applicant had satisfied the required burden of proof for granting the variance. Discussion topics included the overall size of the proposed signage, the visibility and readability of the existing and proposed signs, the locations of the current and proposed signage, and whether the requested changes would improve safety, particularly for the Town's elderly population.

MOTION: VICE CHAIR SUCHY/ CHAIR SHORR MOVED TO DENY RESOLUTION 2026-51 BASED ON A FAILURE TO MEET THE STANDARDS SET FORTH IN RESOLUTION 2026-51. MOTION FAILED (2-2) WITH MEMBER VASQUEZ MARTINEZ AND MEMBER WHITE DISSENTING.

MOTION: MEMBER VASQUEZ MARTINEZ/ MEMBER WHITE MOVED TO APPROVE RESOLUTION 2026-51 AS PRESENTED. MOTION FAILED (2-2) WITH CHAIR SHORR AND VICE CHAIR SUCHY DISSENTING.

MOTION: MEMBER WHITE/ CHAIR SHORR MOVED TO APPROVE RESOLUTION 2026-52 WITHOUT THE MONUMENT “A” SIGN. MOTION APPROVED (3-1).

4. Panda Express – Resolution 2026-49 Variance, Ordinance 2026-03 Master Plan Amendment, Resolution 2026-50 Site Plan

Kaitlyn Forbes, Complete Cities Planning Group, Town Planning Consultant provided an overview of the four development applications, to include (1) Master Plan Amendment, to revise the list of the permitted waivers within the GTC PUD; (2) Master Sign Plan which includes all signage on the Panda Express site; (3) Site Plan to include three waivers: 1- Reduction in the parking stall size, 2- Increase in the permitted distance of the loading zone location, 3 – Reduction in the façade landscape screen along the northern portion of the building; also additional architectural elevations for consideration; (4) Variances related to signage (number - 11, type, size).

Community Standards Director Gardner-Young distributed a handout, *Exhibit C*, titled Resolution 2026-049 for the Committee’s review and discussion.

Vice Chair Suchy distributed a handout, *Exhibit D*, titled *Review of Requested Waivers and Variances for the Panda Express Development Proposal*, for the Committee's review and discussion.

The Committee engaged in a lengthy discussion regarding the four development applications and their consistency with the Town's Rural Vista Guidelines. Members reviewed several aspects of the proposal, including the request for eleven (11) signs, reductions in required landscaping, the visual prominence of the building, the proposed multi-lane drive-through configuration and its operational impacts, and the reduction in required parking spaces.

The Committee discussed whether the proposed design was consistent with the original Town Center concept, noting that the Town Center was intended to promote functional commercial development that is integrated into the Town's rural character rather than maximizing development potential on individual parcels. Members also expressed concerns that the proposed architectural and site design reflected a standardized franchise model rather than one tailored to the Town's rural context.

MOTION: VICE CHAIR SUCHY MOVED TO DENY ORDINANCE 2026-03 MASTER PLAN AMENDMENT. MOTION FAILED DUE TO A LACK OF A SECOND.

MOTION: VICE CHAIR SUCHY/ CHAIR SHORR MOVED TO DENY ORDINANCE 2026-03 MASTER PLAN AMENDMENT. MOTION FAILS (2-2).

ROLL CALL WAS REQUIRED TO ENSURE ALL MEMBERS VOTED. CHAIR SHORR – YES, VICE CHAIR SUCHY – YES, MEMBER VASQUEZ MARTINEZ – NO, MEMBER WHITE – NO.

MOTION: MEMBER VASQUEZ MARTINEZ/ MEMBER WHITE MOVED TO APPROVE ORDINANCE 2026-03 MASTER PLAN AMENDMENT INCLUSIVE OF STAFF RECOMMENDATIONS. MOTION FAILED (2-2). WITH CHAIR SHORR AND VICE CHAIR SUCHY DISSENTING.

MOTION VICE CHAIR SUCHY/ CHAIR SHORR MOVED TO DENY RESOLUTION 2026-49 VARIANCE. MOTION PASSED (4-0).

MOTION VICE CHAIR SUCHY/ CHAIR SHORR MOVED TO DENY RESOLUTION 2026-50 SITE PLAN. MOTION PASSED (4-0).

The Committee engaged in an additional discussion regarding potential conditions that could be recommended for approval of the applications. Members discussed reducing the overall site plan footprint to decrease the intensity and congestion of the development, increasing the amount of landscaping through the addition of trees and other vegetation to provide greater buffering of paved and concrete areas, and modifying the proposed multi-lane drive-through configuration to one lane.

BOARD MEMBER COMMENTS

There were no Board Member comments at this time.

CONFIRMATION OF THE NEXT MEETING DATE

5. August 11, 2026.

ADJOURNMENT

Vice Chair Suchy moved to adjourn the meeting. The motion was seconded by Board Member White. The meeting adjourned at 8:54 P.M.

ATTEST:

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

Robert Shorr
Planning and Zoning Board Chairperson

Erica Leiding,
Board Clerk

PART V - DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS
Article 120 QUASI-JUDICIAL HEARINGS

Article 120 QUASI-JUDICIAL HEARINGS

Section 120-005. Scope and applicability.

These procedures shall apply to all quasi-judicial hearings held by the Town Council or by any board or committee which holds quasi-judicial hearings. The Town Clerk or its designee shall designate all quasi-judicial matters on the agenda. However, if a quasi-judicial hearing is held, it shall not be construed as an admission that the application was quasi-judicial, rather than legislative.

Section 120-010. Definitions.

- (A) *Applicant*. The owner of record, the owner's agent, representative, or any person with a legal or equitable interest in the property which is the subject of the proceeding. Proof of applicant status must be furnished to the Town prior to the proceeding.
- (B) *Board*. The Town Council or any other board or committee established by the Town that hears quasi-judicial matters.
- (C) *Board Member*. Any individual serving on the board.
- (D) *Ex-parte communication*. Any oral, written, electronic or graphic communication with a board member which may directly or indirectly relate to or which could influence the disposition of the matter, other than those made on the record during a quasi-judicial hearing.
- (E) *Expert*. A person who is qualified in a subject matter by knowledge, skill, experience, training, and/or education.
- (F) *Independent Expert*. A person who is qualified in a subject matter by knowledge, skill, experience, training, and/or education who is not affiliated with the applicant or any other party, and who wishes to provide testimony in the matter and have such knowledge, skill, experience and/or education considered by the board in weighing such testimony.
- (G) *Material Fact*. A fact that bears a logical relationship to one or more issues raised by the application or the laws and regulations pertaining to the matter requested by the application.
- (H) *Participants*. Members of the general public who offer unsworn or sworn testimony at a Quasi-Judicial hearing for the purpose of being heard on the matter.
- (I) *Party*. The applicant or any recognized party intervenor.
- (J) *Party Intervenor*. An individual or group who, under the recognized legal principals of standing can demonstrate that they will suffer an adverse effect to a protected interest, such as health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interests may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. The Town Attorney shall determine if a person qualifies as a party intervenor.
- (K) *Quasi-Judicial or Quasi-Judicial Matter*. A proceeding that results in a decision having an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be viewed as the result of application of policy rather than setting of policy.

- (L) *Relevant Evidence.* Evidence tending to prove or disprove a fact that is material to the board's determination.
- (M) *Staff.* Any person having a contractual relationship with the Town, except the Town Attorney.
- (N) *Witness means a person who testifies under oath.*

Section 120-015. Quasi-judicial matters.

For the purposes of this article, the following matters, regardless of whether the final determination is made by the Town Council or a board, shall be considered to be quasi-judicial:

- (A) Site plans.
- (B) Plats.
- (C) Conditional use approvals.
- (D) Category A Special Exceptions, and appeals of denials of Category B and C Special Exceptions by the Town Manager.
- (E) Variances.
- (F) Administrative appeals.
- (G) Site-specific rezonings.
- (H) Any other matters the Town Attorney determines are subject to quasi-judicial hearing.

(Ord. No. 2013-06, § 2(Att. A), 12-3-2013)

Section 120-020. Ex-parte communications.

Ex-parte communications shall be prohibited and may provide a basis to deny an application.

Section 120-025. General procedures.

- (A) Prior to being placed on the Town's agenda, the applicant, in support of their application, shall submit to the Town a detailed outline of how they satisfy the Code's criteria and requirements, copies of all exhibits that which will be presented at the hearing, and the names and addresses of all witnesses who will be called to testify in support of the application. Resumes shall also be furnished for all witnesses the applicant intends to qualify as an expert.
- (B) At least seven days before a Quasi-Judicial hearing, staff shall prepare a report, recommendation and, if necessary, will include additional supporting materials upon which staff's recommendation is based. A copy of staff's materials shall be readily available for examination at the Town Clerk's Office. A copy of staff's resumes and expert qualifications shall remain on file with the Town.
- (C) The requirements above are necessary to ensure the board is given sufficient opportunity to review the written submissions prior to the hearing, and shall be strictly observed. Failure to comply with these requirements shall result in an item being continued until the next available agenda.

Section 120-030. Party intervenor.

- (A) The Town Council may allow a person to intervene as a party intervenor if they meet the following requirements:

- (1) The individual or group, under the recognized legal principals of standing can demonstrate that they will suffer an adverse effect to a protected interest, such as health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interests may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.
- (2) At least five working days prior to the hearing, the individual or group shall submit a written request to the Town Manager to intervene and to be given party intervenor status. Said request shall include a detailed outline of their interest in the application and argument in favor or against the application, copies of all exhibits which will be presented at the hearing and the names of all witnesses who will be called to testify on their behalf. Resumes shall also be furnished for all witnesses who are intended to be qualified as an expert.
- (3) The party intervenor shall provide copies of all submitted materials to all parties known at the time of submission. A certificate of service stating that each party has been provided the documentation must accompany its submission.
- (4) Any applications received or requests made for party intervenor status that are not submitted at least five working days prior to hearing on the matter, may be recognized by the Town Council upon a showing of good cause. If a late appearance is permitted, the applicant shall have the right to a continuance, without additional cost. Persons who do not demonstrate good cause are not entitled to seek delay in the proceedings.

Section 120-035. Reserved.

Section 120-040. Conduct of quasi-judicial proceedings.

- (A) The Mayor, or designee, shall conduct the proceedings and maintain order.
- (B) The Mayor, or designee, shall call the proceeding to order and shall announce whether or not the hearing has been properly advertised in accordance with state law.
- (C) The Town Attorney, or designee, shall explain the rules concerning procedure, testimony, and evidence.
- (D) The Town Attorney, or designee, shall swear in all individuals and witnesses desiring to provide sworn testimony on the matter. The board shall not assign such unsworn or unqualified testimony the same weight or credibility in its deliberations.
- (E) The Mayor, or designee, shall request that the applicant, and, if applicable, any individual, or group that has applied for party intervenor or expert status place their name on the record. The Town Attorney shall then state for the record whether such status should be recognized by the board for the purpose of the current proceeding.
- (F) Order of proof:
 - (1) **The applicant has the burden of proof and shall present evidence and testimony in support of the application.** Applicant shall have a maximum of 30 minutes to make a full presentation, including an opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the board. The presentation of the case in chief for the applicant will then be considered closed, except for rebuttal as provided herein.
 - (2) A representative of Town staff shall briefly describe the applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of 30 minutes to make their full presentation,

including an opening statement and direct presentation by witnesses, but excluding any cross-examination or questions from the board. The presentation of the case in chief for the staff will then be considered closed, except for rebuttal as provided herein.

- (3) Any party intervenor shall present evidence and testimony in support of or opposed to the application. A party intervenor shall have a maximum of 30 minutes to make a full presentation, including an opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the board. The presentation of the case in chief for the party intervenor will then be considered closed, except for rebuttal as provided herein.
- (4) Any other persons present who wish to submit relevant information to the board shall speak next for a maximum of three minutes. Presidents or representatives of Town recognized home owners or civic associations may speak for an additional two minutes if they are speaking on behalf of the association. Speakers shall not transfer their time to any other speaker. Members of the public will be permitted to present their non-expert opinions, but the board will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent substantial evidence. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the board shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations. Any and all cross-examination or questions from the board shall not be considered part of that person's time.
- (5) The party intervenor will be permitted to make final comments, if any for a maximum of five minutes. The party intervenor's final argument shall refer only to facts admitted into evidence. The board shall disregard arguments that refer to facts not in evidence.
- (6) The Town staff will be permitted to make final comments, if any for a maximum of five minutes. The Town staff's final argument shall refer only to facts admitted into evidence. The board shall disregard arguments that refer to facts not in evidence.
- (7) The applicant will be permitted to make a final argument, if any for a maximum of five minutes. The applicant's final argument shall refer only to facts admitted into evidence. The board shall disregard arguments that refer to facts not in evidence.
- (G) The Town Attorney will advise the board as to the applicable law and the factual findings that must be made to approve, approve with conditions, or deny the application.
- (H) The hearing will then be turned over to the board for open deliberation of the application. The Town Council shall have the discretion to reopen the proceeding for additional testimony or argument by the parties. All decisions by the board shall be based on the evidence presented to the board including, but not limited to, the materials in the agenda back-up, testimony of all witnesses, any documentary and demonstrative evidence and visual aids presented. Each board member shall weigh all the competent material and relevant evidence presented, giving each piece of evidence the weight the board member sees fit. After deliberations, a vote shall be taken to approve, approve with conditions, or deny the application. When approving an application, the board must ensure that there is competent substantial evidence in the record to support its decision and that the applicant has satisfied the applicable criteria in the Town's Code.

Section 120-045. Time allotment.

Notwithstanding anything contained herein that is to the contrary, the board may place further limitations on or modifications to the time allotments, provided that the Town Attorney agrees that said limitations or modifications do not affect the party's or the public's right to due process.

Section 120-050. Examination by the board and Town Attorney.

The board may ask questions of persons presenting testimony and evidence at any time during the proceedings.

Section 120-055. Cross-examination.

- (A) After each witness testifies, the Town staff, a party intervenor, and the applicant, shall be permitted to question the witness. Such cross examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida Court of Law.
- (B) The Mayor may direct the party conducting the cross-examination to stop a particular line of questioning that:
 - (1) Merely harasses, intimidates or embarrasses the individual being cross-examined; or
 - (2) Is not relevant and is beyond the scope of the facts alleged by the individual being cross-examined.
- (C) If a party conducting the cross-examination continuously violates directions from the Mayor to end a line of questioning deemed irrelevant and/or merely designed to harass, intimidate and embarrass the individual, the Town Attorney may terminate cross-examination.

Section 120-060. Evidence.

- (A) The formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- (B) All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, regardless of whether such evidence would be admissible in court.
- (C) Evidence or testimony which is not relevant, material or competent, or testimony which is unduly repetitious or defamatory should be excluded. The Town Council shall determine the relevancy of evidence.
- (D) Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, the staff, or any party shall be given an opportunity to compare the copy with the original.
- (E) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a Florida Court.

Section 120-065. Statements of counsel.

Statements of counsel, or any non-attorney representative shall only be considered as argument and not testimony unless counsel or the representative is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

Section 120-070. Continuances and deferrals.

- (A) The board shall consider requests for continuances made by staff, the applicant, or a party intervenor and may grant continuances in its sole discretion. Generally, as a courtesy, one continuance shall be granted if requested by staff or the applicant. If, in the opinion of the board, any testimony or documentary evidence or information presented at the hearing justifies allowing additional time to research or review in order to properly determine the issue presented, then the board may continue the matter to a time certain to allow

for such research or review. A request for a continuance for the purpose of additional research and review may be granted upon a showing of good cause.

- (B) No additional notice shall be required if a hearing is continued to a fixed date, time and place.

Section 120-075. Supplementing the record.

Supplementing the record after the hearing is prohibited, unless pursuant to the following conditions:

- (A) After continuation of a hearing, but prior to the final action being taken.
- (B) If a question is raised by the board at the hearing to which an answer is not available at the hearing, the party to whom the question is directed may submit the requested information in writing to the board after the hearing, provided the hearing has been continued or another hearing has been scheduled for a future date and no final action has been taken by the board. The board will specifically identify the question to which a response is required. No additional information will be accepted.
- (C) All supplemental information shall be filed with the Town Clerk no later than three days prior to the continued or next scheduled hearing and shall be subject to the provisions of Section 120-020, "Ex-parte communications."

Section 120-080. Transcription of hearing.

- (A) The Town Clerk shall preserve the official transcript of the hearing through a digital or tape recording and/or video recording.
- (B) Any person may arrange, at their sole expense for a court reporter to transcribe the hearing.
- (C) If any person, at their sole expense, decides to order a transcription of the hearing in its written form, that transcription shall become the official transcript, and shall be provided to the Town at no cost to the Town.

Section 120-085. Maintenance of evidence and other documents.

The Town Clerk shall maintain all of the evidence and documents presented at the hearing. Said evidence and documents may be maintained in electronic form.

Section 120-090. False testimony.

Any willful false swearing on the part of any witness or person giving evidence before the board as to any material fact in the proceeding shall be deemed to be perjury and shall be punishable in the manner prescribed by law for such offense.

Section 120-095. Failure of applicant to appear.

If a party or their representative fails to appear at the time fixed for the hearing, and such absence is not excused by the board, the board may proceed to hear the evidence and render a decision thereon in absentia.

Section 120-100. Decisions to be written.

Decisions on quasi-judicial matters shall be reduced in writing within 30 calendar days of the decision.

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE III “OFFICERS AND EMPLOYEES”, DIVISION 2 “CODE OF ETHICS”, SECTION 2-87 “STANDARDS OF CONDUCT”, PARAGRAPH (10) OF THE CODE OF ORDINANCES AND PART V “DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS”, ARTICLE 120 “QUASI-JUDICIAL HEARINGS”, SECTION 120-020 “EX-PARTE COMMUNICATIONS” OF THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF LOXAHATCHEE GROVES TO PROVIDE FOR PROCEDURES REGARDING HOLDING AND DISCLOSURE OF EX-PARTE COMMUNICATIONS AND REMOVING ANY PRESUMPTION OF PREJUDICE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to adopt land development regulations within the Town; and

WHEREAS, Section 286.0115, Florida Statutes, authorizes the Town to adopt an ordinance removing the presumption of prejudice from ex-parte communications by establishing a process for disclosure; and,

WHEREAS, the Town wishes to adopt procedures regarding holding and disclosure of ex-parte communications to remove any presumption of prejudice, in accordance with Section 286.0115, Florida Statutes; and

WHEREAS, the notice and hearing requirements for adoption of ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing for the amendment of Article 120 “Quasi-Judicial Hearings”, Section 120-020 “Ex-parte communications” of its adopted Unified Land Development Code to procedures for holding and disclosure of ex-parte communications to remove any presumption of prejudice; and

WHEREAS, the Town Council finds it is in the best interest of the Town to adopt this Ordinance and that said Ordinance serves a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. The Town Council for the Town of Loxahatchee Groves hereby amends Chapter 2 "Administration", Article III "Officers and Employees", Division 2 "Code of Ethics", Section 2-87 "Standards of conduct", paragraph (10) as follows (deletions shown in ~~striketrough~~ and additions shown in underline):

(10) Reserved. ~~Notwithstanding the provisions of F.S. § 286.0115 and in full recognition of the provisions thereof, an elected public officer shall not have any contact with, in any form, nor engage in communication or discussion with applicants, petitioners, or their agents or representatives seeking action or other relief from the town council on matters related to a pending application or other petition. If there is no application pending, the public officer has the discretion to decide whether or not to contact or engage in communication or discussion with the applicant or petitioner or their representatives concerning a matter for which an application or petition may be submitted.~~

Section 3. The Town Council for the Town of Loxahatchee Groves hereby amends Part V "Development Review Procedures and Requirements", Article 120 "Quasi-Judicial Procedures", Section 120-020 "Ex-parte communications" of the Unified Land Development Code as follows (deletions shown in ~~striketrough~~ and additions shown in underline):

Sec. 120-020. – Ex-parte communications.

~~Ex-parte communications shall be prohibited and may provide a basis to deny an application.~~

(A) Board members may participate in ex-parte communications, subject to compliance with the provisions of this section. It is preferred and encouraged that all ex-parte communications take place at Town Hall.

(B) Board members shall disclose on the record any ex-parte communications, site visits, expert opinions, and personal investigations. Such disclosures shall be made on the record of the proceedings for the pending quasi-judicial matter prior to any final action on the matter, as follows:

(1) The substance of any ex-parte communication shall be disclosed including the subject of the communication and the identity of the person, group, or entity with whom the communication took place.

(2) Any written communication shall be made part of the record.

(3) Any site visit, personal investigation or expert opinions received shall be disclosed and made part of the record.

(C) In making such disclosure, board members shall also state on the record whether despite such ex-parte communication he/she is still able to serve as an impartial hearing officer and make decisions solely based on the facts on the record of the proceeding.

(D) Such disclosures ensure persons who have opinions contrary to those expressed in the ex-parte communication are afforded a reasonable opportunity to refute or respond to the

communication.

(E) Pursuant to F.S. §286.0115(1), the foregoing process removes the presumption of prejudice from such ex-parte communications.

Section 4: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 6: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7: Effective Date. This ordinance shall take effect immediately upon adoption.

Councilmember Shorr offered the foregoing ordinance on first reading. Councilmember Herzog seconded the motion.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 6th DAY OF AUGUST 2024.

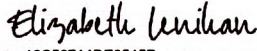
TOWN OF LOXAHATCHEE GROVES, FLORIDA

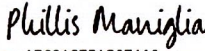
ATTEST:
Signed by:
Valerie Oshes
08E744C2F37F4A1...
Town Clerk

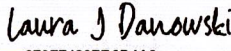
Signed by:
Anita Kane
A9C9C565B3A042F
Mayor Anita Kane, Seat 3
Voted: Aye

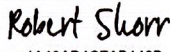
Signed by:
Margaret Herzog
4A1A29320D7C4C3
Vice Mayor Margaret Herzog, Seat 5
Voted: Aye

APPROVED AS TO LEGAL FORM:

Signed by:

 18C58714DE0545B
 Office of the Town Attorney

Signed by:

 AB831C751C9E4A9 Voted: Absent
 Councilmember Phillis Maniglia, Seat 1

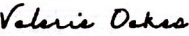
Signed by:

 376F74307D6D4A6... Voted: Aye
 Councilmember Laura Danowski, Seat 2

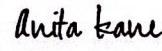
Signed by:

 1A49AD467AB143B... Voted: Aye
 Councilmember Robert Shorr, Seat 4

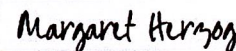
Councilmember Maniglia offered the foregoing ordinance on second reading. Councilmember Shorr seconded the motion.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 18th DAY OF SEPTEMBER 2024.

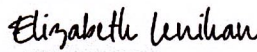
TOWN OF LOXAHATCHEE GROVES, FLORIDA

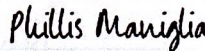
ATTEST:

 06E74462F37F4A4...
 Town Clerk

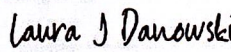
Signed by:

 A9C9C665B3A642F... Voted: Aye
 Mayor Anita Kane, Seat 3

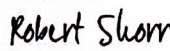
Signed by:

 4A1A29320D7C4C3... Voted: Aye
 Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Signed by:

 18C58714DE0545B
 Office of the Town Attorney

Signed by:

 AB831C751C9E4A9 Voted: Aye
 Councilmember Phillis Maniglia, Seat 1

Signed by:

 376F74307D6D4A6... Voted: Aye
 Councilmember Laura Danowski, Seat 2

Signed by:

 1A49AD467AB143B... Voted: Aye
 Councilmember Robert Shorr, Seat 4

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Loxahatchee Groves Town Of
Loxahatchee Groves Town Of
155 F RD

LOXAHATCHEE GROVES FL 334704949

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Palm Beach Post, published in Palm Beach County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of Palm Beach County, Florida, or in a newspaper by print in the issues of, on:

08/23/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/23/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$294.46

Tax Amount: \$0.00

Payment Cost: \$294.46

Order No: 10499404

Customer No: 730397

PO #:

of Copies:

2

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Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

TOWN OF LOXAHATCHEE GROVES NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all parties that the Town Council of the Town of Loxahatchee Groves, in Palm Beach County, Florida, will consider for adoption the following Ordinance:

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE III "OFFICERS AND EMPLOYEES", DIVISION 2 "CODE OF ETHICS", SECTION 2-87 "STANDARDS OF CONDUCT", PARAGRAPH (10) OF THE CODE OF ORDINANCES AND PART V "DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS", ARTICLE 120 "QUASI-JUDICIAL HEARINGS", SECTION 120-020 "EX-PARTE COMMUNICATIONS" OF THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF LOXAHATCHEE GROVES TO PROVIDE FOR PROCEDURES REGARDING HOLDING AND DISCLOSURE OF EX-PARTE COMMUNICATIONS AND REMOVING ANY PRESUMPTION OF PREJUDICE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. The Town Council of the Town of Loxahatchee Groves will hold a Public Hearing to consider Ordinance 2024-08 on second reading on Tuesday, September 3, 2024, commencing at 6:30 p.m., or as soon thereafter as possible, at the Loxahatchee Groves Town Hall, located at 155 "F" Road, Loxahatchee Groves, Florida 33470.

The aforesaid proposed Ordinance 2024-08 and related materials may be inspected by the public at the Town Hall or the Town website, <http://www.loxahatcheegrovesfl.gov/>.

Interested parties may appear at the meeting and be heard or may submit public comment in writing by mailing the Office of the Town Clerk at 155 "F" Road, Loxahatchee Groves, FL 33470, or by emailing voakes@loxahatcheegrovesfl.gov. Written or emailed comments will be received up until Noon on the day of the Hearing, filed, and acknowledged as part of the official public record for the Public Hearing. The Public Hearing will be streamed and close-captioned as normal. Access instructions are posted on the Town website.

If a person decides to appeal any decision of the Town Council with respect to any matter considered at this meeting, the person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105).

The Loxahatchee Groves Town Hall is wheelchair accessible and accessible parking spaces are available. Anyone needing auxiliary services please contact the Office of the Town Clerk at least five (5) days prior to the meeting at 561-793-2418.

Publish: Friday, August 23, 2024.
10499404

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Loxahatchee Groves Town Of
Loxahatchee Groves Town Of
155 F RD

LOXAHATCHEE GROVES FL 334704949

STATE OF WISCONSIN, COUNTY OF BROWN

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08/23/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/23/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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of Copies:
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MARIAH VERHAGEN
Notary Public
State of Wisconsin

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Interested parties may appear at the meeting and be heard or may submit public comment in writing by mailing the Office of the Town Clerk at 155 "F" Road, Loxahatchee Groves, FL 33470, or by emailing yvones@loxahatcheegrovesfl.gov. Written or emailed comments will be received up until Noon on the day of the Hearing, filed, and acknowledged as part of the official public record for the Public Hearing. The Public Hearing will be streamed and close-captioned as normal. Access instructions are posted on the Town website.

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Publish: Friday, August 23, 2024.
10499404

1. Variance Criteria and Burden of Proof

- ULDC Section 150-020 establishes the criteria required for approval of a variance.
- All variance criteria must be satisfied.
- The burden rests entirely on the applicant to prove that each criterion has been met.
- The applicant has not demonstrated the required findings to justify approval.

2. No Demonstrated Unique Hardship

- The applicant has not identified a unique hardship affecting the property.
- The request is based on convenience, preference, and desired business benefits—not a legally recognized hardship.
- The Staff Report indicates that the proposed Monument Sign A does not comply with ULDC requirements; however, noncompliance alone does not establish a hardship.

3. Requested Benefits Are Business Advantages, Not Hardships

- The applicant's stated reasons for the variance include:
 - Improved visibility
 - Better wayfinding
 - Enhanced site identification
 - Improved access
- These are operational and marketing advantages, not conditions that prevent reasonable use of the property.
- The property is an existing, functioning medical office plaza with approved signage.
- There is no evidence that the property cannot continue to operate successfully without the requested variance.

4. Preference and Design Choice Do Not Establish Hardship

- The request is based on relocating and modifying signage to achieve a preferred design outcome.
- The inability to place the monument sign in the preferred location does not prevent reasonable use of the property.
- The claimed hardship results from design preferences rather than unique physical conditions of the land.

5. Applicable Legal Principle

- Florida law distinguishes between hardship and convenience.
- A variance cannot be granted solely for:
 - Increased visibility
 - Greater convenience
 - Improved business exposure
 - Additional economic benefit
- A valid hardship must:
 - Arise from unique physical characteristics of the property
 - Be significant enough that strict code enforcement prevents reasonable use
 - Not be self-created by the applicant

Conclusion

- The applicant has not demonstrated a unique or legally sufficient hardship.
- The request seeks a business advantage rather than relief from an unnecessary hardship.
- The required variance criteria under ULDC Section 150-020 have not been met.
- The requested variance should be denied.

ULDC Section 150-020 (page 13 4 of 6 in agenda) outlines the criteria that must be met to grant a variance. Every variance criterion needs to be satisfied and the burden rests entirely on the applicant to prove each element.

1. Staff report- the proposed monument sign A does not comply.

2. Applicant has not demonstrated a unique hardship but rather one of convenience- but not a legal hardship.

3. Applicant argues the property is a corner lot with frontage on two roads and a variance is needed for * Improved visibility / better wayfinding/ enhanced site identification / improved access

All these reasons for a variance are Business advantages not hardships that deprive the owner of reasonable use of the property. (medical office plaza exists, is operating and already has approved signage). Nothing in the application suggests the property cannot continue functioning in its current form without the variance for signage issues.

Note: Florida courts have upheld that a variance CANNOT be granted simply because it would provide better visibility, increased convenience or greater economic benefit.

4. Applicant is requesting a relocation and modification because of what is seen as current preferences rather than required unforeseen physical conditions. The applicant has not demonstrated that the inability to place a monument sign at a preferred location prevents a reasonable use of the property. The hardship appears to be self created design preferences which cannot justify a variance.

Note: Florida law has long distinguished between hardship and convenience when applied to variances. The courts have upheld that hardships cannot be self created. The hardship must arise from physical characteristics of the land and be so significant that enforcement of the code deprives the owner of reasonable use of the property. Florida courts have established the exact reasons the applicant states why the variance is needed (Improved visibility / better wayfinding/ enhanced site identification / improved access) are business preferences not hardships preventing reasonable use of property.

RESOLUTION NO. 2026-049

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING SIGN-RELATED VARIANCES FOR A FAST-FOOD RESTAURANT IN POD B OF THE GROVES TOWN CENTER PLANNED UNIT DEVELOPMENT, CONSISTING OF APPROXIMATELY 0.94 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, MORE SPECIFICALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Variance Applications have been submitted to the Town of Loxahatchee Groves (the “Town”) by CPH, LLC (the “Applicant”) seeking approval of sign-related variances for a fast-food restaurant (“Development”) on portions of Pod B approved Groves at Town Center Planned Unit Development; and

WHEREAS, the site for the Development is within the approved Groves at Town Center property, generally located at the northeast corner of Southern Boulevard and B Road (“Subject Site”, Exhibit A); and

WHEREAS, the requested variances pertain to increasing the maximum size of menu boards, increasing the number of menu boards, and inclusion of additional sign types ; and

WHEREAS, signs are regulated by Article 90 of the Unified Land Development Code; and

WHEREAS, variances are regulated by Article 150 of the Unified Land Development Code; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider development applications for development on property within the Town; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting on July 14, 2026 recommended _____ of the Variance Applications; and

WHEREAS, the aforementioned Applications were presented to the Town Council at a quasi-judicial public hearing conducted on _____; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of Town staff and Town P&Z Board.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Variance Applications are hereby approved, subject to compliance with all of the following conditions to be satisfied by the Applicant:

1. Approval of Resolution 2026-049 is subject to approval of Resolution 2026-050, inclusive of the master sign plan.
2. Applicant shall pay to the Town of Loxahatchee Groves an amount equal to the total expenses incurred by the Town in the processing and finalizing of the development applications prior to issuance of any permit. This includes, but may not be limited to, expenses for planning, legal, advertising, and landscape review, and any related expenses that the Town has or will incur as a direct cost of the application.
3. Failure to comply with all requirements as set forth herein shall constitute a violation of the land development code and shall be enforceable as such.
4. Insert any others as applicable.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon adoption.

Councilmember _____ offered the foregoing resolution. Councilmember seconded _____ the motion, and upon being put to a vote, the vote was as follows:

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS _____ DAY OF _____, 2026.

ATTEST:

Voted: _____
Mayor Lisa El-Ramey, Seat 2

Acting Town Clerk

Voted: _____
Vice Mayor Manish Sood, Seat 5

APPROVED AS TO LEGAL FORM:

Voted: _____
Councilmember Anita Kane, Seat 3

Office of the Town Attorney

Voted:
Councilmember Paul Coleman, Seat 4

Voted:
Councilmember William “Joe” Stephens, Seat 1

EXHIBIT A –LOCATION MAP



Figure 1 - Panda Express Location, Pod B (Groves Town Center)

EXHIBIT B – PROJECT NARRATIVE AND JUSTIFICATION STATEMENT

Review of Requested Waivers and Variances for Panda Express Development Proposal

Issue: Compatibility with Loxahatchee Groves Town Center Concept and Rural Vista Guidelines

1. Overall Evaluation

A. Purpose of Reviewing Waivers and Variances

- Waivers and variances should not only be evaluated individually.
- The Town should consider the **cumulative effect** of all requested modifications.
- The key question is whether the combined requests:
 - Maintain the intended character of the Loxahatchee Groves Town Center concept, or
 - Shift the development toward a more conventional suburban/urban corporate commercial model.

B. Applicant's Acknowledgement

- The application materials acknowledge the need for multiple:
 - Waivers
 - Variances
 - Code modifications
- These changes are necessary to accommodate a **Panda Express corporate prototype design**.

C. Primary Concern

- The requested modifications appear driven primarily by:
 - Franchise operational standards
 - Corporate site layout requirements
 - Prototype design elements

Rather than being driven by:

- The unique characteristics of the site
 - The Town's rural development vision
 - The Town Center design objectives
-

2. Waiver #1 – Reduced Parking Stall Dimensions

A. Purpose of Parking Stall Requirements

Parking dimensions are intended to:

- Reduce conflicts between vehicles

- Improve pedestrian safety
- Provide adequate vehicle maneuvering space
- Reduce congestion

B. Site Constraints and Concerns

The Panda Express site is approximately 0.94 acres and must accommodate:

- Approximately 2,700 square foot restaurant building
- Dual drive-thru lanes
- Parking areas
- Loading zone
- Landscaping
- Stormwater facilities
- Internal circulation requirements

C. Main Concern

- The request for smaller parking spaces suggests the site is being compressed to fit a corporate prototype onto a relatively constrained parcel.
- The waiver appears related to maximizing site efficiency rather than creating a development pattern consistent with the Town's character.

D. Historical Town Vision

Loxahatchee Groves has historically emphasized:

- Spacious development patterns
- Open landscapes
- Lower-intensity development
- Rural character

E. Compatibility Issue

Although smaller parking stalls may satisfy engineering objectives, they represent:

- A more urban approach to site efficiency
- Greater intensity of development
- Less consistency with the Town's open, rural development pattern

3. Waiver #2 – Extended Loading Zone Distance

A. Purpose of Loading Requirements

Loading standards are intended to ensure:

- Safe delivery access
- Separation between delivery operations and customer traffic
- Reduced circulation conflicts

B. Main Concern

The waiver indicates the loading area cannot meet standard distance requirements due to site layout limitations.

Potential impacts:

- Increased interaction between delivery vehicles and customer vehicles
- Greater circulation conflicts
- Reduced site functionality

C. Underlying Cause

The need for this waiver appears connected to accommodating:

- Dual drive-thru configuration
- Corporate prototype layout
- Additional operational elements

on a relatively small parcel.

D. Historical Town Vision

The Town Center concept envisioned:

- Functional commercial uses
- Integration with rural surroundings
- Thoughtful site planning

It did not envision:

- Maximizing every square foot
- Fitting urban intensity onto constrained parcels

E. Compatibility Issue

A design requiring operational waivers may indicate:

- The layout is being driven by franchise standards
- The design is not being adapted to the rural context of Loxahatchee Groves

4. Waiver #3 – Reduced Façade Landscaping / Screening

A. Purpose of Landscaping and Screening Requirements

Landscaping requirements exist to:

- Soften building mass
- Reduce visual dominance of commercial structures
- Screen parking areas
- Reduce pavement visibility
- Create a more natural appearance

These objectives directly support:

- Rural Vista Guidelines
- Town character preservation

B. Applicant Proposal

The applicant proposes:

- “Alternative screening treatments”
- Measures intended to meet the intent of the code

C. Main Concern

Reduced façade landscaping may result in:

- More visible pavement
- Greater building visibility
- Increased visibility of drive-thru structures
- More suburban commercial appearance

D. Rural Vista Principle

A central theme of the Rural Vista Guidelines is:

Landscaping should dominate the view—not buildings, parking areas, or commercial infrastructure.

E. Compatibility Issue

If alternative treatments were equal in visual effect to the original requirement:

- The applicant would likely not require a waiver.

The waiver raises concerns that:

- The technical intent may be met
 - But the visual outcome may not be equivalent
-

5. Sign Variance

A. Purpose of Sign Regulations

Sign regulations are intended to:

- Protect rural character
- Maintain public safety
- Prevent visual clutter
- Ensure compatibility with:
 - Comprehensive Plan
 - Development standards

B. Requested Changes

The applicant seeks variances involving:

- Number of signs
- Types of signs
- Menu board quantities and sizes

C. Applicant Justification

The application states modifications are needed for:

- Panda Express prototype requirements
- Operational needs
- Wayfinding and circulation

D. Historical Town Vision

Loxahatchee Groves has sought to avoid:

- Urban commercial corridors
- Corporate branding dominance
- Excessive signage

The Town's preferred approach emphasizes:

- Modest signage
- Integrated architecture
- Reduced visual clutter

E. Compatibility Issue

The requested signage changes appear driven by:

- National franchise standards

Rather than:

- Site-specific needs
- Rural design compatibility

Potential result:

- Movement toward a suburban/urban commercial aesthetic
-

6. Variance for Larger Menu Boards

A. Purpose of Menu Board Regulations

Menu board limits help:

- Protect Town character
- Reduce commercial visual impacts
- Prevent excessive visual intensity

B. Concern

Menu boards are:

- Functional drive-thru elements
- Highly visible structures

Larger menu boards may:

- Increase visual intensity
- Add additional site structures
- Reinforce the drive-thru character of the property

C. Historical Town Vision

Loxahatchee Groves has worked to prevent:

- Visual blight
- Excessive lighting impacts
- Neon-style commercial appearance
- Urban commercial clutter

D. Compatibility Issue

Larger menu boards conflict with the Town's objective to:

- Minimize commercial visual impacts
 - Preserve rural visual character
-

7. Additional Sign Types Variance

A. Applicant Request

The application seeks approval for additional sign types beyond what is permitted.

B. Applicant Justification

The signs are identified as:

- Part of the standard Panda Express operational model

C. Main Concern

Individual signs may appear minor when evaluated separately.

However, consideration must be given to:

- Total number of signs
- Combined visual presence
- Overall site appearance

D. Cumulative Impact

The combined signage package may:

- Increase commercial prominence
 - Create visual clutter
 - Shift the character toward a conventional corporate retail site
-

8. Cumulative Effect Analysis

A. Importance of Reviewing the Whole Project

The Town should evaluate:

- Not only individual waivers
- But the combined impact of all requested modifications

B. Combined Effects Include:

Reduced Parking Dimensions

Creates:

- Higher site intensity
- Less spacious circulation

Modified Loading Standards

Creates:

- Potential operational conflicts
- Increased vehicle interaction

Reduced Landscaping Requirements

Creates:

- Greater visibility of pavement and structures

Expanded Signage Package

Creates:

- Increased commercial prominence
- Greater visual intensity

9. Final Policy Question for the Town

The Primary Question Is Not:

“Can each individual waiver or variance be technically justified?”

The More Important Question Is:

Does the cumulative effect of all requested waivers, variances, and design modifications continue to reflect the Loxahatchee Groves Town Center concept and Rural Vista Guidelines?

Or does it instead transform the site into:

- A typical suburban drive-thru restaurant

- A corporate commercial prototype
 - A development pattern inconsistent with the Town's rural vision
-

10. Conclusion

The requested approvals should be evaluated based on whether the project:

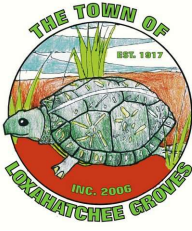
Supports:

- ✓ Rural character
- ✓ Open development patterns
- ✓ Landscaping-dominated views
- ✓ Limited commercial visual impacts
- ✓ Town Center compatibility

Or Results In:

- X Increased site intensity
- X Corporate prototype dominance
- X Urban-style commercial appearance
- X Reduced compatibility with Loxahatchee Groves' rural identity

***The central issue is not whether each individual request can be accommodated, but whether the combined effect changes the character of the development from a rural Town Center use into a conventional suburban corporate commercial project. ***



TOWN OF LOXAHATCHEE GROVES PLANNING AND ZONING BOARD MEETING AGENDA ITEM MEMORANDUM

Item 2.

TO: Planning and Zoning Board of the Town of Loxahatchee Groves
FROM: Caryn Gardner-Young, Development Standards Director
THRU: Valerie Oakes, Acting Town Manager
DATE: August 11, 2026
SUBJECT: 14805 Okeechobee Blvd Special Exception

Legal Sufficiency:	☐ Reviewed	☐ Not Reviewed
	☐ Approved	☐ Not Approved

Background:

Arleen Smith, Evan Smith and John Smith (Property Owners) own 14805 Okeechobee Blvd which possesses a Future Land Use designation of Rural Residential 5, a zoning designation of Agricultural Residential and a Property Appraiser's Office Property Use designation of single family. The 6.56-acre parcel was purchased by the Property Owners in 2024 who have been operating a hay dispatch and delivery operation on site.

At the end of last year, a resident submitted a complaint regarding the property at 14805 Okeechobee Blvd., for a prohibited use and illegal outdoor storage. When cited by Code Compliance, the Town thought the Property Owners were operating a hay transfer station, which is a prohibited use; not a hay dispatch service. Upon receipt of the Notice of Violation, the property owner and his attorney contacted staff to determine if the property owner could continue to operate its hay dispatch and delivery operation.

The Property Owners seek to operate this business as a Residential Enterprise. Below are the Residential Enterprise regulations:

- **Section 80-020. - Residential enterprise.**

Residential enterprises as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential zoning districts as a use accessory to a principal residential use and subject to the following limitations:

(A) Resident of property. The plot on which a residential enterprise is located shall be occupied by the owner who shall provide proof of a homestead exemption within one year of establishing the residential enterprise.

(B) Size of property. Residential enterprises shall be permitted on properties of five acres or more in size.

(C) *Location of residential enterprise.* A residential enterprise shall be conducted only within an accessory building on the property where the main dwelling is located, and not within the dwelling.

(D) *Number of accessory buildings.* There shall be a maximum of two accessory buildings used for a residential enterprise.

(E) *Size of accessory buildings.* The total floor area ratio (F.A.R.) of all accessory buildings used for a residential enterprise shall not exceed 0.01.

(F) *Appearance of accessory buildings.* The accessory buildings used for a residential enterprise shall be in the same style and have the same architectural appearance as the principal residential use.

(G) *Employees or contractors.* In addition to any person(s) who are the residents of the property, there shall be a maximum of two outside employees or contractors who assist with the residential enterprise.

(H) *Clients or customers.* No client or customer shall be allowed on the premises to transact business of any nature.

(I) *Delivery.* Merchandise or goods shall be shipped by way of the U.S. Postal Service, United Parcel Service, Federal Express or similar small package carrier. If other commercial carriers are required, the residential enterprise shall be deemed to require a Special Exception pursuant to Article 170.

(J) *Commercial vehicles.* Commercial vehicles associated with the residential enterprise shall be subject to [Section 20-010](#)(G).

(K) *[Adult entertainment.]* Adult entertainment or the production of adult entertainment materials is prohibited.

Exceptions to the foregoing limitations shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in [Section 170-025](#)(A) for Special Exceptions.

The Property Owners are seeking an exception to the Residential Enterprise regulations for the following reasons:

1. Merchandise deliveries are being made by a commercial carrier other than USPS, FedEx or similar parcel services
2. Operations of the business will not be conducted within an accessory building on the property where the main dwelling is located.

Based upon the Unified Land Development Code, to seek an exception to the Residential Enterprise regulations requires approval of a Special Exception which is the application before you today.

Action:

The Planning and Zoning Board should discuss and provide a recommendation of Resolution 2026- 64.for the Town Council’s consideration. However, if the desire of the Planning and Zoning Board is to recommend the approval of the Special Exception, Town Staff is recommending the following conditions of approval:

1. Special Exception Approval shall be subject to approval of Resolution No. 2026-64..
2. Merchandise deliveries will be allowed by two small Isuzu box trucks instead of a commercial carrier, e.g., USPS, FedEx, etc.; and
3. The processing and loading of hay onto trucks and the maneuvering of vehicles, is permitted outside an accessory building where it can take place in the yard and adjacent containers and Conex boxes.
4. Applicant shall pay to the Town of Loxahatchee Groves an amount equal to the total expenses incurred by the Town in the processing and finalizing of the development applications prior to issuance of any permit. This includes, but may not be limited to, expenses for planning, legal, advertising, and landscape review, and any related expenses that the Town has or will incur as a direct cost of the application.
5. Failure to comply with all requirements as set forth herein shall constitute a violation of the site plan and the land development code and shall be enforceable as such.



**COMMUNITY STANDARDS DEPARTMENT
STAFF REPORT AND ANALYSIS
Dated: July 20, 2024**

I. Project Description:

Project: 14805 Okeechobee Blvd

Petitioner: Arleen, Evan and John Smith
14805 Okeechobee Blvd
Loxahatchee Groves, Florida 33470

Request: Special Exception A for approval of a Residential Enterprise use to be permitted with merchandise deliveries being made by two small Isuzu box trucks instead of a commercial carrier, e.g., USPS, FedEx, etc.; and allow certain business activities, including the processing and loading of hay onto trucks and the maneuvering of vehicles outside an accessory building.

Location: 14805 Okeechobee Blvd, Loxahatchee Groves

II. Site Data:

Existing Use: Single Family

Proposed Use: No change

Parcel Control Number: 41-41-43-17-01-313-0010

Parcel Size: 6.56 acres

Existing Future Land Use Designation: Rural Residential (RR-5)

Proposed Future Land Use Designation: No change

Existing Zoning: Agricultural Residential (AR)

Proposed Zoning: No change

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Single Family	Rural Residential (RR5)	Agricultural Residential (AR)
<i>South</i>	Vacant and AG Classification ORN/MISC AGRI	Rural Residential (RR5)	Agricultural Residential (AR)
<i>East</i>	Single Family	Rural Residential (RR5)	Agricultural Residential (AR)
<i>West</i>	AG Classification POUL/BEES/FISHI	Rural Residential (RR5)	Agricultural Residential (AR)

III. Annexation/Zoning History:

The subject property was annexed into the Town of Loxahatchee Groves and received the current Town land use (Rural Residential) and zoning (Agricultural Residential) designations. A 2134 square foot single family home was constructed in 2014.

IV. Data and Analysis:

The Applicant is seeking a Special Exception A approval for a Residential Enterprise hay dispatch and delivery operation at their property located at 14805 Okeechobee Blvd.

SPECIAL EXCEPTION

(A) The Town Council shall review Category A special exception applications to determine whether the special exception use complies with the following standards.

- (1) That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.
- (2) That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.
- (3) That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.
- (4) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- (5) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.
- (6) That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.
- (7) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.
- (8) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan.

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

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

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

The applicant states: The proposed Residential Enterprise is a low-intensity, home-based hay dispatch operation that generates very limited weekday truck activity, with no client visitation or change to the residential character of the homesteaded Property. The two deviations requiring Special Exception, use of B&E's own small delivery trucks rather than a commercial carrier and outdoor activities that are not wholly within an accessory building, do not create adverse externalities that could diminish neighborhood property values. The Site Plan confirms the existing residence, gated access, and interior driveways support limited weekday dispatch activity without altering the residential character. Hay and feed containers and storage are interior and setback between 75 and 280 feet from property lines on all sides with fencing and perimeter plantings to ensure no visual or functional impacts to nearby residences. The Traffic Analysis documents trips are minimal and easily absorbed by the rural roadway network, further supporting the conclusion that there will be no measurable impact to adjacent or area property values or to the AR district's integrity. The Town's Plan encourages Residential Enterprise approvals to promote limited economic development while preserving rural character, which codifies the Town's judgment that such uses do not detract from surrounding property values. Residential Enterprise is recognized as a low-impact use eligible for Category-A Special Exception, further indicating the Town has deemed such businesses value-neutral when operated consistent with rural standards. Finally, the AR district's compatibility mandate, residential living with agricultural activities, is respected and reinforced by this Application because hay and feed delivery is a green, environmentally friendly activity that directly serves farms and stables in the Town and helps sustain their operations, which are an important Town value

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

The applicant states: Compatibility is demonstrated by the Property's AR-conforming residential layout, the interior siting of the storage containers and existing perimeter fencing that together maintain a rural residential appearance and function. The Site Plan shows a one-story residence with an established concrete driveway and crushed-asphalt driveway, providing on-site circulation for two small box trucks with no need for on-street activities. The fact that loading and dispatch occur in the yard rather than wholly within an

enclosed accessory building is consistent with open-air agricultural activities that characterize the AR district. These features ensure the design, scale, and orientation of the Property remain indistinguishable from a typical AR homestead with incidental agricultural support. The business's lack of accessory buildings further reinforces this concept. Applicant's hay delivery service (serving area farms and stables without customers at the site) fits squarely within that policy direction. Operationally, the lack of customer visitation, the very low trip rates, and weekday-daytime activity are the same or less than the traffic that would be expected for larger family households or for as-of-right agricultural activities typical in AR. These characteristics that maintain compatibility with contiguous residences and surrounding rural uses, while protecting property values

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

The applicant states: The Applicant will maintain all existing fencing, vegetative buffers, and setbacks that screen the small hay storage containers and on-site loading area at the Property from the view of adjoining properties and Okeechobee Boulevard. This approach is consistent with the Town's use of landscape buffering and rural design standards for low-impact uses along the Okeechobee corridor. These buffering measures, combined with the absence of customer visitation and the brief, weekday loading activities at a residential scale, provide more than adequate screening to mitigate any potential incompatibility with adjacent residential uses.

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

The applicant states: The Property affords ample on-site space to park the two small Isuzu box trucks (comparable in size to passenger vans) and personal vehicles for two outside employees within the existing driveway and yard area, ensuring all loading occurs within. Ingress and egress occurs via the existing residential driveway connection shown on the Site Plan. Trip generation for the Residential Enterprise is limited to 20 daily trips with only 3 trips during peak AM and peak PM hours. Because peak-hour trips are well below 20, no additional traffic analysis is required under Palm Beach County Traffic Performance Standards. The Site Plan shows gated driveway access, turn areas, and staging areas within the yard where the two small Isuzu box trucks and employee vehicles can maneuver and park without any on-street presence, with loading occurring adjacent to the interior storage containers. These conditions, combined with the no customer policy, minimize any interaction with abutting street operations

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

The applicant states: The operations consist solely of dispatching, producing, and temporarily storing hay, a raw agricultural product, in storage containers, with monthly refilling, and routine weekday loading onto residential-scale box trucks. There is no

hazardous material handling, no outdoor lighting changes, and no customer traffic. These characteristics ensure the enterprise has no adverse environmental impact on adjacent properties or the general area. The AR district is designed for agricultural compatibility, and hay storage and delivery is intrinsically consistent with AR's environmental expectations. Keeping all parking, loading, and storage activities on the Property and maintaining vegetative buffers further eliminates any risk of off-site environmental effects.

6) That any special requirement set out in the Schedule of District Regulations for the particular use involved have been met.

The applicant states: Applicant seeks a Special Exception because (i) business operations including the mixing, loading, and dispatching of hay inherently require outdoor space that cannot practicably be enclosed within an accessory building; and (ii) to allow merchandise delivery via its own small delivery trucks rather than by USPS, FedEx, or similar parcel services. All other Residential Enterprise standards are satisfied. The Applicant will ensure continued conformity.

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

The applicant states: The Plan's Community Character Goal and Rural Residential policies prioritize preservation of a rural residential and agricultural community and explicitly include Residential Enterprise as a compatible use. By definition, a small, hay-delivery Residential Enterprise set within the Property that prohibits customer visitation and limits weekday truck trips to serve area farms and stables does not create non-residential development pressure. The two deviations sought (use of B&E's own delivery trucks and outdoor activities) do not alter the residential agriculture character of the Property or create precedent inconsistent with the Plan's rural vision. B&E directly supports the agricultural and equestrian uses that are central to the Town's identity and Comprehensive Plan, ensuring that future development in the area continues to align with rural and agricultural objectives. Okeechobee Boulevard is a Rural Minor Collector with traffic-calming and speed-reduction policies. The enterprise's traffic consists of very low weekday truck volumes with no weekend operations or customers coming to the Property. The Site Plan confirms a gated driveway connection and interior driveways that allow all movements to occur off-street.

8) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in general.

The applicant states: Hay storage and brief, weekday daytime loading of hay and dispatching two small trucks does not create incompatible noise, lighting, or emissions in a rural residential/agricultural setting. There are no changes to the Property's lighting, no outdoor amplification, no process emissions, and no customer traffic. The interior siting of the storage container and existing fencing and native vegetative screens at the Property ensure limited activity is visually buffered.

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

The applicant states: No new public infrastructure is required for this Residential Enterprise. The homesteaded residence continues to utilize existing well and septic, stormwater conditions remain unchanged, and solid waste remains residential in character. Vehicular impacts are minimal and demonstrated to comply with County Traffic Performance Standards and occur via a single driveway connection shown on the Site Plan. The Town's Plan places the Town in the County's Rural Service Area, which requires rural levels of service. The small-scale, home-based nature of the enterprise stays firmly within that rural level of service and does not burden public facilities. By eliminating customer visits, confining loading and parking to private property, and maintaining rural hours and practices, the Applicant ensures no adverse demand on police, fire-rescue, roadway maintenance, or other public services

V. Staff Conditions:

If SE-07-2026-01 is approved, Town Staff recommends the following conditions:

1. The most stringent requirements of Exhibit "A" Development Review Committee Report and Recommendation dated July 20, 2026, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"
 - a. Boundary and Topographic survey prepared by Whidden Surveying & Mapping dated February 11,, 2026 (Site Plan)
 - b. B&E Equestrian Services LLC Traffic Generation Statement prepared by Simmons & White dated and revised July 23, 2026
2. Merchandise deliveries will be allowed by two small Isuzu box trucks instead of a commercial carrier, e.g., USPS, FedEx, etc
3. The processing and loading of hay onto trucks and the maneuvering of vehicles, is permitted outside an accessory building where it can take place in the yard and adjacent containers and Conex boxes.
4. Non-compliance with any of the conditions of approval will result in revocation of the Special Exception approval. (Planning)

Attachments:

1. Application, Traffic Report and Plans

RESOLUTION NO. 2026-64

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING SPECIAL EXCEPTION A APPLICATION TO ALLOW A RESIDENTIAL ENTERPRISE FOR HAY DISPATCH AND DELIVERY OPERATIONS ON APPROXIMATELY 6.56 ACRES, LOCATED AT 14805 OKEECHOBEE BLVD.; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, a Special Exception B Application have been submitted to the Town of Loxahatchee Groves (the “Town”) by Arleen, Evan and John Smith (the “Applicant”) seeking approval a hay dispatch and delivery operation located at 14805 Okeechobee Blvd (Subject Property); and

WHEREAS, the Applicant purchased the Subject Property in April 2024; and

WHEREAS, the Applicant has been conducting hay dispatch and delivery operation on the Property since _____; and

WHEREAS, the Applicant requests approval of a Special Exception A to allow merchandise deliveries to be made by two small Isuzu box trucks instead of a commercial carrier, e.g., USPS, FedEx, etc.; and to allow certain business activities, including the processing and loading of hay onto trucks and the maneuvering of vehicles, to occur outside an accessory building; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to Site Plan Amendments and Master Sign Plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny Special Exception A Application; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting on August 11, 2026 recommended _____ of the Special Exception A Application; and

WHEREAS, the aforementioned Application was presented to the Town Council at a quasi-judicial public hearing conducted on _____; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of Town staff and Town P&Z Board.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Special Exception A Application is hereby approved, subject to compliance with all of the following conditions to be satisfied by the Applicant:

1. Special Exception Approval shall be subject to approval of Resolution No. 2026-64..
2. Merchandise deliveries will be allowed by two small Isuzu box trucks instead of a commercial carrier, e.g., USPS, FedEx, etc.; and
3. The processing and loading of hay onto trucks and the maneuvering of vehicles, is permitted outside an accessory building where it can take place in the yard and adjacent containers and Conex boxes.
4. Applicant shall pay to the Town of Loxahatchee Groves an amount equal to the total expenses incurred by the Town in the processing and finalizing of the development applications prior to issuance of any permit. This includes, but may not be limited to, expenses for planning, legal, advertising, and landscape review, and any related expenses that the Town has or will incur as a direct cost of the application.
5. Failure to comply with all requirements as set forth herein shall constitute a violation of the site plan and the land development code and shall be enforceable as such.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon adoption.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS _____ DAY OF _____, 2026.**

ATTEST:

Mayor Lisa El-Ramey, Seat 2

Acting Town Clerk

Vice Mayor Manish Sood, Seat 5

APPROVED AS TO LEGAL FORM:

Councilmember Anita Kane, Seat 3

Office of the Town Attorney

Councilmember Paul Coleman, Seat 4

Councilmember William “Joe” Stephens, Seat 1

EXHIBIT A – LEGAL DESCRIPTION AND LOCATION MAP

THE EAST 6.5 ACRES OF TRACT 13, BLOCK "C", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B – APPLICATIONS, PLANS, AND PROJECT NARRATIVE

APPLICANT'S STATEMENT:

The Smith Family ("Applicant") respectfully submits its small, family-run hay dispatch and delivery operation ("B&E Equestrian Services, LLC") that serves nearby farms and stables from the homesteaded property at 14805 Okeechobee Boulevard ("Property") in the Town, satisfies all criteria for a Special Exception to operate as a Residential Enterprise in the Agricultural Residential ("AR") zoning district under the Town's Unified Land Development Code ("ULDC"), and is fully aligned with the Town's Comprehensive Plan ("Plan") objective to preserve and support the community's rural and agricultural character. The straightforward conclusion is the Applicant's request meets the ULDC's special exception requirements, is consistent with the AR district's purpose and Plan policies encouraging low-impact home-based enterprises that support agriculture and define the Town's rural character, and will produce negligible traffic, environmental, and neighborhood impacts that are materially below those associated with permitted Agriculture uses in the AR district.

The Smith Family seeks a narrowly tailored Special Exception because its operations involve two discrete deviations from the Residential Enterprise standards: (1) merchandise deliveries are made by two small Isuzu box trucks instead of a commercial carrier; and (2) certain business activities, including processing and loading hay onto trucks, do not occur wholly within an accessory building but instead take place in the yard and adjacent containers. These two discrete exceptions are the only deviations from the otherwise permitted, low-impact Residential Enterprise framework.

APPLICANT'S REVISED STATEMENT OF JUSTIFICATION

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

The proposed Residential Enterprise is a low-intensity, home-based hay dispatch operation that generates very limited weekday truck activity, with no client visitation or change to the residential character of the homesteaded Property. The two deviations requiring Special Exception approval, use of B&E's own small delivery trucks rather than a commercial carrier and outdoor activities that are not wholly within an accessory building, do not create adverse externalities that diminish neighborhood property values. The Site Plan confirms the existing residence, gated access, and interior driveways support limited weekday dispatch activity without altering the residential character. Hay containers and storage are interior and setback between 75 and 280 feet from property lines on all sides with fencing and perimeter plantings to ensure no visual or functional impacts to nearby residences. The Traffic Generation Statement documents trips are minimal and easily absorbed by the rural roadway network, further supporting the conclusion that there will be no measurable impact to adjacent or area property values or to the AR district's integrity.

The Town's Plan encourages Residential Enterprise approvals to promote limited economic development while preserving rural character, which codifies the Town's judgment that such uses do not detract from surrounding property values. Residential Enterprise is recognized as a low-impact use eligible for Category-A Special Exception, further indicating the Town has deemed such businesses value-neutral when operated consistent with rural standards.

Finally, the AR district's compatibility mandate, residential living with agricultural activities, is respected and reinforced by this Application because hay and feed delivery is a green, environmentally friendly activity that directly serves farms and stables in the Town and helps sustain their operations, which are an important Town value.

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

Compatibility is demonstrated by the Property's AR-conforming residential layout, the interior siting of the containers and existing perimeter fencing that together maintain a rural residential appearance and function. The Site Plan shows a one-story residence with an established concrete driveway and crushed-asphalt driveway, providing on-site circulation for two small box trucks with no need for on-street activities. The fact that loading and dispatch occur in the yard rather than wholly within an enclosed accessory building is consistent with open-air agricultural activities that characterize the AR district. These features ensure the design, scale, and orientation of the Property remain indistinguishable from a typical AR homestead with incidental agricultural support. The business's lack of accessory buildings further reinforces this concept. Applicant's hay delivery service (serving area farms and stables without customers at the Property) fits squarely within that policy direction.

Operationally, the lack of customer visitation, the very low trip rates, and weekday-daytime activity are the same or less than traffic that would be expected for larger family households or as-of-right agricultural activities typical in AR. These characteristics maintain compatibility with contiguous residences and surrounding rural uses while protecting property values.

- 3) Adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.**

The Applicant will maintain all existing fencing, vegetative buffers, and setbacks that screen the small hay storage containers and on-site loading area at the Property from the view of adjoining properties and Okeechobee Boulevard. This approach is consistent with the Town's use of landscape buffering and rural design standards for low-impact uses along the Okeechobee corridor. These buffering measures, combined with the absence of customer visitation and the brief, weekday loading activities at a residential scale, provide more than adequate screening to mitigate any potential incompatibility with adjacent residential uses.

- 4) Adequate parking and loading is provided, and ingress and egress is so designated as to cause minimum interference with traffic on abutting streets.**

The Property affords ample on-site space to park the two small Isuzu box trucks (comparable in size to passenger vans) and personal vehicles for two outside employees within the existing driveway and yard area, ensuring all loading occurs within. Ingress and egress occur via the existing residential driveway connection shown on the Site Plan. Trip generation for the Residential Enterprise is limited to 20 daily trips with only 2 trips during peak AM and 2 trips during

peak PM hours. Because the use generates fewer than 20 peak-hour trips, no additional traffic analysis or study is required under Palm Beach County ("County") Traffic Performance Standards ("TPS"). The Site Plan shows gated driveway access, turn areas, and staging areas within the yard where the two small Isuzu box trucks and employee vehicles can maneuver and park without any on-street presence, with loading occurring adjacent to the interior storage containers. These conditions, combined with the no customer policy, minimize any interaction with abutting street operations.

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

The operations consist solely of dispatching, producing, and temporarily storing hay, a raw agricultural product, in storage containers, with monthly refilling, and routine weekday loading onto residential-scale box trucks. There is no hazardous material handling, no outdoor lighting changes, and no customer traffic. These characteristics ensure the enterprise has no adverse environmental impact on adjacent properties or the general area.

The AR district is designed for agricultural compatibility, and hay storage and delivery is intrinsically consistent with AR's environmental expectations. Keeping all parking, loading, and storage activities on the Property and maintaining vegetative buffers further eliminates any risk of off-site environmental effects.

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

The revised Traffic Generation Statement concludes that the Residential Enterprise generates only 20 total daily trips and 2 peak-hour trips in both the morning (0 in / 2 out) and evening (2 in / 0 out) periods. Because peak-hour trips are well below 20, no additional traffic analysis is required under County TPS. The operation is managed by a resident family member with assistance from one additional household member for administrative tasks and two employees who assist with loading and driving deliveries. Deliveries are made using two small box trucks comparable in size to passenger vans, which create less roadway impact than typical agricultural equipment commonly seen on rural roads in the Town. For most of the year, operations consist of approximately two truck trips per day on up to three weekdays; during winter months, operations increase to approximately two truck trips per day on up to five weekdays due to seasonal demand. Site access uses an existing driveway connection to Okeechobee Boulevard and is not proposed to change. There is no customer visitation, no weekend operations, and no traffic that would be inconsistent with the health, safety, and welfare of the community. The use will not have a harmful effect on vehicle, pedestrian, or equestrian traffic or parking conditions.

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

The revised Traffic Generation Statement determined the use does not involve turning movements that are hazardous or a nuisance in relation to other structures, roads, or intersections. The use generates only 2 peak-hour trips in the morning period and 2 peak-hour trips in the evening period. Under County Engineering Guidelines, additional turn lanes are required only when peak-hour traffic reaches 75 right turns or 30 left turns. The Property's peak-hour traffic is far below those thresholds, and no additional turn lanes or site modifications are needed. Site access is through a single existing driveway connection to Okeechobee Boulevard, classified as a Rural Minor Collector, which is a road designed to carry local traffic between neighborhoods and larger roads. No changes to this access are proposed. The Site Plan confirms gated driveway access with interior driveways and turning areas that allow the two small box trucks and employee vehicles to maneuver and park entirely on the Property without any on-street presence or backing movements onto the public roadway. No hazardous turning movements result from the use.

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

The Plan's Community Character Goal and Rural Residential policies prioritize preservation of a rural residential and agricultural community and explicitly include Residential Enterprise as a compatible use. By definition, a small, hay-delivery Residential Enterprise set within the Property that prohibits customer visitation and limits weekday truck trips to serve area farms and stables does not create non-residential development pressure. The two deviations sought (use of B&E's own delivery trucks and outdoor activities) do not alter the residential agriculture character of the Property or create precedent inconsistent with the Plan's rural vision. B&E directly supports the agricultural and equestrian uses that are central to the Town's identity and Plan, ensuring that future development in the area continues to align with rural and agricultural objectives.

Okeechobee Boulevard is a Rural Minor Collector with traffic-calming and speed-reduction policies. The enterprise's traffic consists of very low weekday truck volumes with no weekend operations or customers coming to the Property. The Site Plan confirms a gated driveway connection and interior driveways that allow all movements to occur off-street.

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

Hay storage and brief, weekday daytime loading of hay and dispatching via two small trucks does not create incompatible noise, lighting, or emissions in a rural residential/agricultural setting. There are no changes to the Property's lighting, no outdoor amplification, no process emissions, and no customer traffic. Hay storage and handling will produce no dust or odors that are perceptible at adjacent properties; loading and maneuvering will create no perceptible

vibrations. The interior siting of the containers and existing fencing and native vegetative screens at the Property ensure limited activity is visually buffered.

10) The use will not overburden existing public services and facilities.

No new public infrastructure is required for this Residential Enterprise. The homesteaded residence continues to utilize existing well and septic, stormwater conditions remain unchanged, and solid waste remains residential in character. Vehicular impacts are minimal and demonstrated to comply with County TPS and occur via a single driveway connection shown on the Site Plan. The Town's Plan places the Town in the County's Rural Service Area, which requires rural levels of service. The small-scale, home-based nature of the enterprise stays firmly within that rural level of service and does not burden public facilities. By eliminating customer visits, confining loading and parking to private property, and maintaining rural hours and practices, the Applicant ensures no adverse demand on police, fire-rescue, roadway maintenance, or other public services.

CONCLUSION

In summary, the Applicant has demonstrated that the proposed Residential Enterprise satisfies each of the criteria for a Category A Special Exception: (1) the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, or to the AR zoning district; (2) the use is compatible with existing uses on the Property and the general character of the area; (3) adequate landscaping and screening, including existing fencing, vegetative buffers, and setbacks are provided to buffer adjacent uses from any potential incompatibility; (4) adequate parking and loading is provided on the Property, and ingress and egress via the existing driveway connection to Okeechobee Boulevard is designed to cause minimum interference with traffic on abutting streets; (5) the use will not have a detrimental environmental impact upon contiguous properties or the general area; (6) the use will not have a detrimental effect on vehicular, pedestrian, or equestrian traffic; (7) the use utilizes no hazardous or nuisance turning movements; (8) the use will not have a detrimental effect on the future development of contiguous properties or the general area according to the Town Plan; (9) the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust, or physical activities; and (10) the use will not overburden existing public services and facilities. Accordingly, the Smith Family respectfully requests that the Town Council grant the requested Category A Special Exception for its family-run hay dispatch and delivery operation.



B&E EQUESTRIAN SERVICES LLC

Town of Loxahatchee Groves, FL

TRAFFIC GENERATION STATEMENT

PREPARED FOR:

B & E Equestrian Services, LLC
14805 Okeechobee Boulevard
Loxahatchee Groves, FL 33470

JOB NO. 26-008

DATE: 01/26/2026
Revised: 07/24/2026

Bryan G. Kelley, Professional Engineer, State of Florida, License No. 74006

This item has been digitally signed and sealed by Bryan G. Kelley, P.E., on the date indicated here.

Signature must be verified on any electronic copies.

Digitally signed by
Bryan G Kelley
Date: 2026.07.24
11:23:31-04'00'

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- 1.0 SITE DATA
- 2.0 SITE OPERATIONS
- 3.0 TRAFFIC GENERATION

PAGE 4

- 4.0 SITE RELATED IMPROVEMENTS
- 5.0 CONCLUSION

1.0 SITE DATA

The subject parcel is located on the north side of Okeechobee Boulevard, between C Road and D Road, within the Town of Loxahatchee Groves, Florida and contains approximately 6.56 acres. The Property Control Number (PCN) for the subject parcel is 41-41-43-17-01-313-0010. The site is currently developed with one single family dwelling unit and a hay company operating as a residential enterprise. Site access is not proposed to change and is provided via an existing full access driveway connection to Okeechobee Boulevard.

2.0 SITE OPERATIONS

B&E Equestrian Services, LLC (“B&E”) operates a hay company as a Residential Enterprise from the subject property located at 14805 Okeechobee Boulevard. The operation is based at a homesteaded single family residence, and no clients visit or conduct transactions at the property. Business activities are limited to the storage and dispatch of hay from a container located on the site, which is refilled approximately once per month and serves nearby farms and stables. B&E’s operations are managed by a resident family member, with assistance from one additional household member for administrative tasks and two employees who assist with loading and driving deliveries. Deliveries are made using two small Isuzu box trucks, which are comparable in size to passenger vans and are less impactful than typical agricultural equipment. For most of the year, operations consist of approximately two truck trips per day on up to three weekdays. During the winter months, operations increase to approximately two truck trips per day on up to five weekdays due to seasonal demand. The additional trips associated with the proposed residential enterprise are substantially fewer than those that would be generated by a wholesale nursery, which is a permitted use. Overall, site related traffic activity averages approximately one to two trips per day and does not interfere with the property’s primary residential use.

3.0 TRAFFIC GENERATION

The traffic currently generated by the proposed site has been calculated in accordance with the traffic generation rates listed in the *ITE Trip Generation Manual, 11th Edition* and rates published by the Palm Beach County Engineering Traffic Division. Daily and peak hour trip generation for the site operations were conservatively estimated, which consists of limited weekday employee and delivery trips with no customer visits or on site transactions.

Table 1 shows the daily traffic generation associated with the proposed development in trips per day (tpd). Tables 2 and 3 show the AM and PM peak hour traffic generation, respectively, in peak hour trips (pht). The traffic to be generated by the proposed development may be summarized as follows:

Proposed Development

Daily Traffic Generation	=	30 tpd
AM Peak Hour Traffic Generation (In/Out)	=	3 pht (0 In/3 Out)
PM Peak Hour Traffic Generation (In/Out)	=	3 pht (3 In/0 Out)

4.0 SITE RELATED IMPROVEMENTS

The AM and PM peak hour volumes at the project entrances for the overall development with no reduction for pass by credits are shown in Tables 2 and 3 and may be summarized as follows:

**DIRECTIONAL
DISTRIBUTION
(TRIPS IN/OUT)**

AM = 0 / 3
PM = 3 / 0

Figures 1 presents the AM and PM peak turning movement volumes. As previously mentioned, site access is not proposed to change and is existing via a full access driveway connection to Okeechobee Boulevard. Based on the Palm Beach County Engineering Guidelines used in determining the need for turn lanes of 75 right turns or 30 left turns in the peak hour, no additional turn lanes or site modifications are warranted or recommended.

5.0 CONCLUSION

As shown in Tables 1-3, the proposed site will generate 30 daily trips, 3 AM peak hour trips, and 3 PM peak hour trips. Since the proposed development is less than 20 peak hour trips, no additional traffic analysis is required. Therefore, this project is approvable with regard to the Palm Beach County Traffic Performance Standards.

The site will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community. Additionally, the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.

PROPOSED DEVELOPMENT

TABLE 1 - Daily Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split		Gross Trips			Internalization				External Trips (Driveway Trips)			Pass-by		Net Trips		
				In	Out	In	Out	Total	%	In	Out	Total	In	Out	Total	%	Trips	In	Out	Total
Single Family Detached	210	1	Dwelling Units			10					0		10			0%	0	10		
Site Operations (a)	-	6.56	Acre			20					0		20			0%	0	20		
Grand Totals:						30			0.0%		0		30			0%	0	30		

TABLE 2 - AM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split		Gross Trips			Internalization				External Trips (Driveway Trips)			Pass-by		Net Trips		
				In	Out	In	Out	Total	%	In	Out	Total	In	Out	Total	%	Trips	In	Out	Total
Single Family Detached	210	1	Dwelling Units	0.26	0.74	0	1	1	0.0%	0	0	0	0	1	1	0%	0	0	1	1
Site Operations (a)	-	6.56	Acre	-	-	0	2	2	0.0%	0	0	0	0	2	2	0%	0	0	2	2
Grand Totals:						0	3	3	0.0%	0	0	0	0	3	3	0%	0	0	3	3

TABLE 3 - PM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split		Gross Trips			Internalization				External Trips (Driveway Trips)			Pass-by		Net Trips		
				In	Out	In	Out	Total	%	In	Out	Total	In	Out	Total	%	Trips	In	Out	Total
Single Family Detached	210	1	Dwelling Units	0.63	0.37	1	0	1	0.0%	0	0	0	1	0	1	0%	0	1	0	1
Site Operations (a)	-	6.56	Acre	-	-	2	0	2	0.0%	0	0	0	2	0	2	0%	0	2	0	2
Grand Totals:						3	0	3	0.0%	0	0	0	3	0	3	0%	0	3	0	3

Notes:

a) Daily and peak hour trip generation is conservatively estimated based on site operations, which consist of limited weekday employee and delivery trips with no customer visits or on site transactions.



Figure 1 – Driveway Trips
B&E Equestrian Services LLC
Project # 26-008



Town of Loxahatchee Groves Universal Planning and Zoning Application

Instructions to Applicant

This application shall be submitted with the required items identified in the Application Matrix. Separate Applications must be submitted when multiple applications are associated with the same request.

Contact the Community Standards Department at 561-807-6670 for a pre-application submittal meeting.

Please check each relevant application box below:

- | | | |
|--|---|--|
| ☐ Annexation | ☐ Site Plan | ☐ Address Assignment |
| ☐ Comp Plan Text Amend | ☐ Site Plan Amendment | ☐ Plat/Plat Amendment |
| ☐ Comp Plan Map Amend | ☐ Master Sign Plan Program | ☐ Variance |
| ☐ Planned Unit Development | ☒ Special Exception | ☐ Zoning Text Amendment |
| ☐ PUD/Master Plan Amendment | ☐ Certificate of Conformity | ☐ Zoning Map Amendment |

Other:

- | | |
|--|---|
| ☐ Appeal of Administrative Decision | ☐ Postponement & Decision Withdrawal |
| ☐ Extension of Time | ☐ Pre-application meeting |

Project Name Smith Family Equine Support **Agent's Name** Jack Rice, Esq.

Address 777 S. Flagler Dr., #500 East City West Palm Beach State FL Zip code 33401

Phone (561) 650-0588 Email jrice@gunster.com

Owner's Name Evan, Arleen, & John Smith

Address 14805 Okeechobee Blvd. City Loxahatchee Groves State FL Zip code 334700

Phone (989) 859-1661 Email evansmith5703@gmail.com

Correspondence Address: *(If different than agent or owner)*Address Please correspond with agent. City _____ State ____ Zip code _____

Phone _____ Email _____

This is the address to which all agendas, letters and other materials will be forwarded.Project Location & Address 14805 Okeechobee Blvd., Loxahatchee Groves, FL 33470Parcel Identification Number(s) 41-41-43-17-01-313-0010Property Size (Square feet/Acres) 285,753.6 square feet / 6.56 acresExisting Use of Property Single Family ResidentialProposed Use of Property Single Family Residential and Residential Enterprise as Accessory UseExisting Future Land Use Designation Rural Residential ("RR5")Proposed Future Land Use Designation RR5Existing Zoning of Property Agricultural Residential ("AR")Proposed Zoning of Property AR





Agent Authorization Form

Erinster, Yorkley
+ Stewart, P.A.

I hereby give AUTHORIZATION to Jack Rile, Esq of
to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions, which may arise as part of the approval of this application for the proposed use of Residential Enterprise

Applicant Information

Signature [Signature] Print Name John W. Smith
Address 14805 Okeechobee Blvd City Loxahatchee State FL Zip 33470
groves

Agent Information:

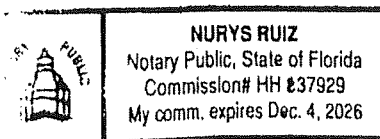
Signature [Signature] Print Name Jack Rile
Address 777 S Frazier Dr., Ste 500E City WPB State FL Zip 33401

Notary Public Information:

The foregoing instrument was acknowledged before me this 3rd day of April
2026 by John W Smith Name of person acknowledging. He or she is
personally known to me, or who has produced FL DL as identification (type
of identification and did or did not take an oath (circle correct response).

Signature of Notary Public [Signature] Print Name Nurys Ruiz
Notary Public State of Florida County of Palm Beach
Commission Number HH 337929 Commission Expires 12/04/26

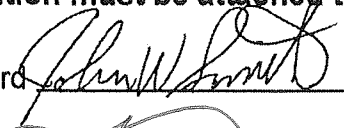
Notary Seal or Stamp





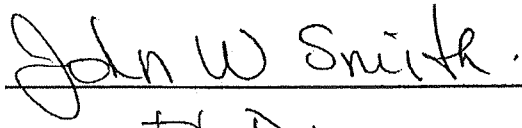
**Town of Loxahatchee Groves
Community Development Department**

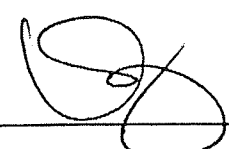
Owner's Authorization: Each petition must bear the signatures of all owners of property in the petitioned area. **A letter of authorization allowing a person other than the owner to sign or represent such a petition must be attached to and accompany said petition.**

Signature of Owner(s) of Record  Print Name John W. Smith

Signature of Applicant or Agent  Print Name Jack Rile

Sworn to and subscribed before me this 3rd day of April, 2026

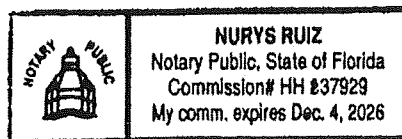
By  who is personally known to me, or who has produced FL DL as identification.

Signature of Notary Public  Print Name Nurys Ruiz

Notary Public State of Florida County of Palm Beach

Commission Number HH 337929 Commission Expires 12/04/26

Notary Seal



(Print, Type, or Stamp Commissioned Name of Notary Public)



Agent Authorization Form

I hereby give AUTHORIZATION to Jack Rice, Esq. of Sunstar, Yorkley h
STUART, P.A.
 to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions, which may arise as part of the approval of this application for the proposed use of Residential Enterprise

Applicant Information

Signature Arleen Smith Print Name Arleen Smith
 Address 14805 Duckhorn Blvd City Loxahatchee State FL Zip 33470
groves

Agent Information:

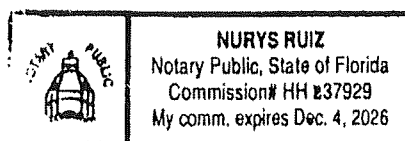
Signature [Signature] Print Name Jack Rice
 Address 777 S Flayler Dr #500E City WFB State FL Zip 33401

Notary Public Information:

The foregoing instrument was acknowledged before me this 3rd day of April
2026 by Arleen Smith. Name of person acknowledging. He or she is
 personally known to me, or who has produced FL DL as identification (type
 of identification and did or did not take an oath (circle correct response).

Signature of Notary Public [Signature] Print Name Nury Ruiz
 Notary Public State of Florida County of Palm Beach
 Commission Number HH 337929 Commission Expires 12/04/2026

Notary Seal or Stamp





**Town of Loxahatchee Groves
Community Development Department**

Owner's Authorization: Each petition must bear the signatures of all owners of property in the petitioned area. **A letter of authorization allowing a person other than the owner to sign or represent such a petition must be attached to and accompany said petition.**

Signature of Owner(s) of Record Arleen Smith Print Name Arleen Smith

Signature of Applicant or Agent [Signature] Print Name Jack Rice

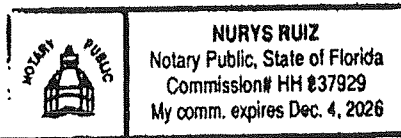
Sworn to and subscribed before me this 3rd day of April 2026

By Arleen Smith who is personally known to me, or who has produced FL DL as identification.

Signature of Notary Public [Signature] Print Name Nury Ruiz

Notary Public State of Florida County of Palm Beach

Commission Number HH 337929 Commission Expires 12/04/26

Notary Seal 

(Print, Type, or Stamp Commissioned Name of Notary Public)



Town of Loxahatchee Groves Special Exception Checklist

Instructions to Applicant:

Answer all questions completely.

A filing fee as noted below, and special services fees must accompany this application. **Since advertising and special services costs vary, the final amount will be reconciled upon receipt of invoices from the newspaper and consultant.**

- ☒ Category A \$5,100
- ☐ Category B \$500
- ☐ Category C \$250

Provide required attachments (warranty deed, survey and plans) as shown on the checklist.

Type of Special Exception (Provide Code Section)

Section 20-015, Town's Unified Land Development Code (permitting Residential Enterprise as an Accessory Use in the Agricultural Residential ("AR") zoning district subject to Article 80).

Petitioner's Statement: (Explanation, and reasons for the request) **Use attachments as necessary.**

Attached.

Applicant's Statement of Justification: (Attach additional sheets as necessary).

The applicant is to explain how the request conforms to the following finds:

- (1) That the use will no cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.

Attached.

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

Attached.

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

Attached.

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

Attached.

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

Attached.

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

Attached.

- (7) That any special requirement set out in the Schedule of District Regulations for the particular use involved have been met.

Attached.

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

Attached.

- (9) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in general.

Attached.

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

Attached.



Special Exception Submittal Checklist

GENERAL REQUIREMENTS

1. Application Review Fee and Advertising Fee.
2. Completed application signed by owner and applicant. **Agent's authorization or power of attorney must be attached if applicant is other than owner.**
3. Copy of the Warranty Deed.
4. A list of all property owners within a thousand (1,000) foot radius of boundary lines of the subject property or adjacent property owners from the most recent tax roll information as provided by the Palm Beach County Appraiser's Office.
5. Executed affidavit signed by the person responsible for completing the property owner list.
6. Two (2) sets of **STAMPED** (*meter stamps not acceptable*), plain envelopes with the typed names of the owners within a 1000' radius of the boundary lines of the subject property or adjacent property owners. No return address.

SURVEY

7. SURVEY (to include):
 - a. Submit five (5) copies 24" x 36", one (1) set 11" x 17", and one (1) Electronic Digital Copy.
 - b. Survey, signed and sealed, (not more than a year old) and legal description of the property, including any and all easements of record (referenced by Official Records (OR) Book and page) prepared by a surveyor registered in the State of Florida.

DEVELOPMENT CONCEPT PLAN

8. DEVELOPMENT CONCEPT PLAN (to include):
 - a. Submit five (5) copies 24" x 36", one (1) set 11" x 17", and one (1) Electronic Digital Copy.
 - b. The boundaries and dimensions of the property and its relationship to the surrounding road system including the width of the existing travel way.
 - c. The location and dimension of existing manmade features such as existing roads and structures with indication as to which are to be removed, renovated or altered.
 - d. The location of existing easements, watercourses, section lines, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.
 - e. Identification of surrounding land use, future land use designation, and zoning within 100 feet of the site as well as for the petitioned site.

- f. A layout of the proposed lots and/or building sites including the following: common open areas, generalized landscaping and buffer zones, internal circulation patterns including off-street parking and loading facilities, total project density, percentage of building lot coverage, floor area square footage, percentage of impervious surface coverage, percentage of open space areas, the shape, size, location and height of all structures.
- g. Proposed phasing of construction for the project, if applicable.
- h. Estimated square footage of the structures, the number of employees, estimated seating, and the estimated number of users of the facility, such as members, students and patients, if uses other than residential proposed.
- i. Proposed hours of operation for commercial uses.
- j. A drainage statement or drainage plan, if required.
- k. Size, location and orientation of signs.
- l. Proposed lighting of the premises.
- m. Traffic Impact Analysis addressing at a minimum: Distribution and assignment of traffic, intersection improvements, additional roadway needs (travel lanes and/or turn lanes), traffic control devices, future right-of-way dedications and compliance with Palm Beach County Traffic Performance Standards Ordinance.

PLAN REVISIONS

- 9. If revisions to the plans previously submitted are required during the application review process, the petitioner shall submit the same number of plans as required for application submittal.
 - a. Submit five (5) copies 24" x 36", one (1) set 11" x 17", and one (1) Electronic Digital Copy.