

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.

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- (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:

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- (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,

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- 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.

ATTEST:

Valerie Oakes

06E744C2F37F4A4...
Town Clerk

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

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:
Elizabeth Lenihan
16C58714DE0545B
Office of the Town Attorney

Signed by:
Phillis Maniglia
AB831C751C9E4A9
Voted: Absent
Councilmember Phillis Maniglia, Seat 1

Signed by:
Laura J Danowski
378F74307D6D4A6...
Voted: Aye
Councilmember Laura Danowski, Seat 2

Signed by:
Robert Shorr
1A49AB4G7AB143B...
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:
Valerie Oakes
06E744C2F37F4A4...
Town Clerk

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

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

Signed by:
Phillis Maniglia
AB831C751C9E4A9
Voted: Aye
Councilmember Phillis Maniglia, Seat 1

APPROVED AS TO LEGAL FORM:

Signed by:
Elizabeth Lenihan
16C58714DE0545B
Office of the Town Attorney

Signed by:
Laura J Danowski
378F74307D6D4A6...
Voted: Aye
Councilmember Laura Danowski, Seat 2

Signed by:
Robert Shorr
1A49AB4G7AB143B...
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

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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

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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

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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

8.25.26

My commission expires

Publication Cost: \$294.46
Tax Amount: \$0.00
Payment Cost: \$294.46
Order No: 10499404
Customer No: 730397
PO #:

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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

Groves Medical Center – Site Plan Amendment & Variance

Loxahatchee Groves
Planning and Zoning Board
(Resolution 2026-51 Variance)
(Resolution 2026-52 Site Plan Amendment – Master Sign Plan)

Tuesday, July 12, 2026

Project Team

Client/Applicant – Mr. Micheal J. Porter

Groves Medical Plaza, LLC

Site/LS Design & Zoning – Mr. Brian Cheguis

iPlan & Design, LLC

Signage Manufacturer – Ms. Cinthia Aguilar

ASI

Specific Request

Seeking P&Z Board approval to modify the height and shape of an existing approved monument sign; Construct a second (previously approved) monument sign at the F-Road driveway; and, add new building signage and window signage.

Entitlement Approval History

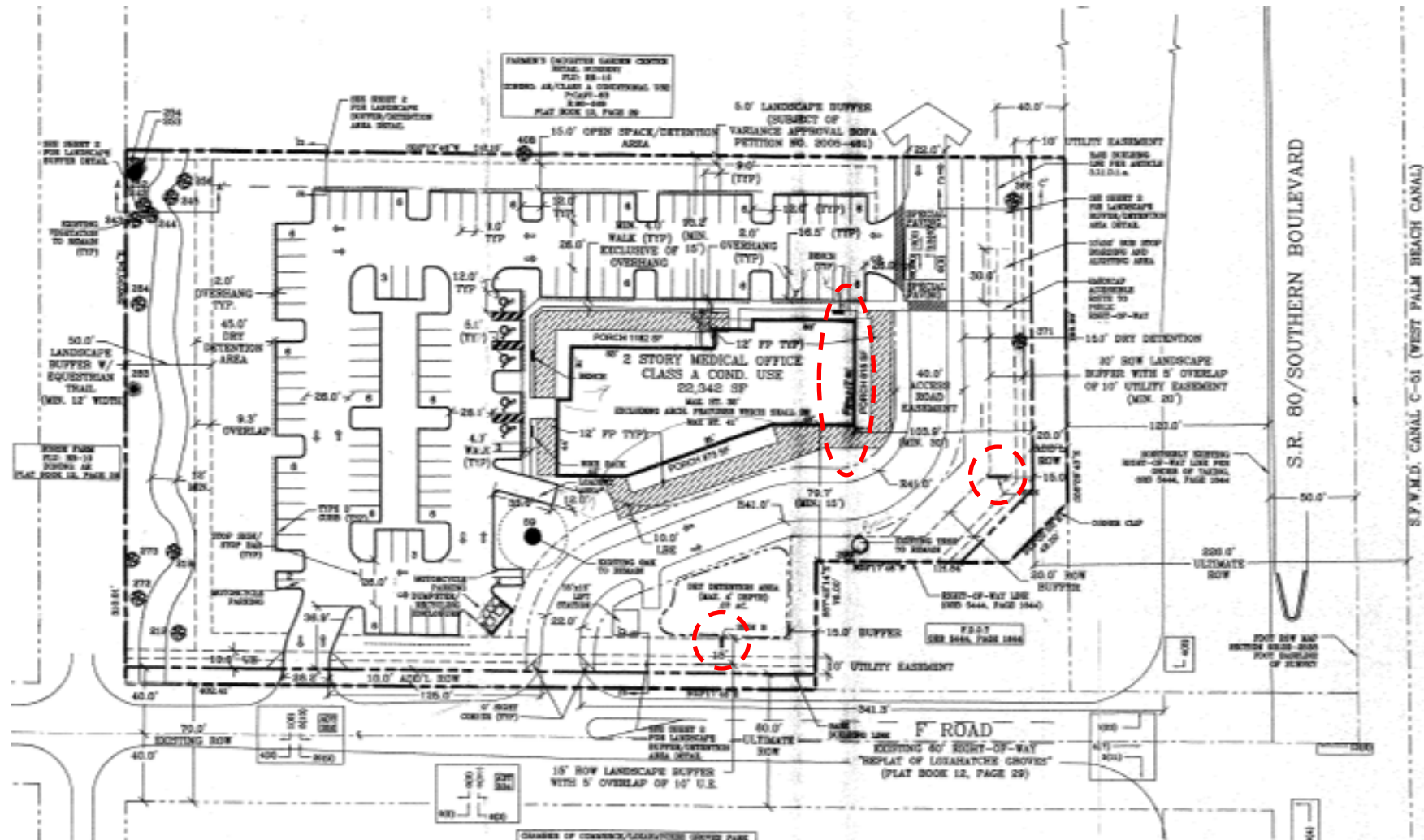
Subject property is located at 13475 Southern Blvd. on the NE corner of F Road and Southern Blvd....across the street.

Groves Medical Center was approved by the Palm Beach County Board of County Commissioners in 2006 by way of the following approvals:

RESOLUTION 2006-0156 REZONING FROM AR TO CLO (PBC-BCC ADOPTED JAN 26, 2006)

RESOLUTION 2006-0157 CLASS A CONDITIONAL USE FOR DENTAL/MEDICAL OFFICE (PBC-BCC ADOPTED JAN 26, 2006)

Entitlement Approval History – Approved Site Plan

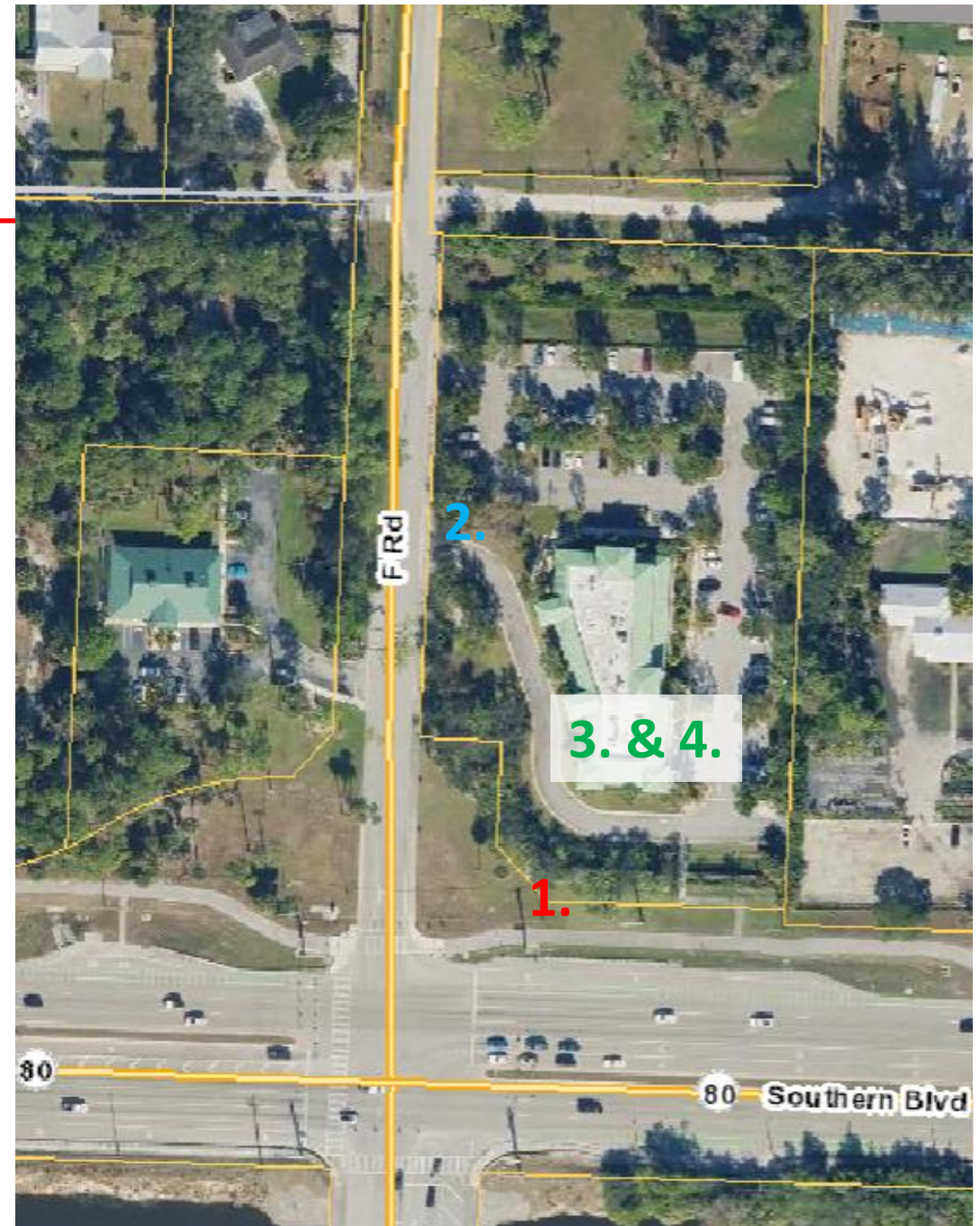


Need for Entitlement Request

- New anchor Medical Office use tenant brought into the building at the end of 2025.
- Humana's – Conviva Senior Primary Care requires additional signage consideration for it's aging patients accessing the site and the anchor tenant suite
- *No intensity to the original approval or the existing site and building are proposed with the modification and addition of new signage at this site.*

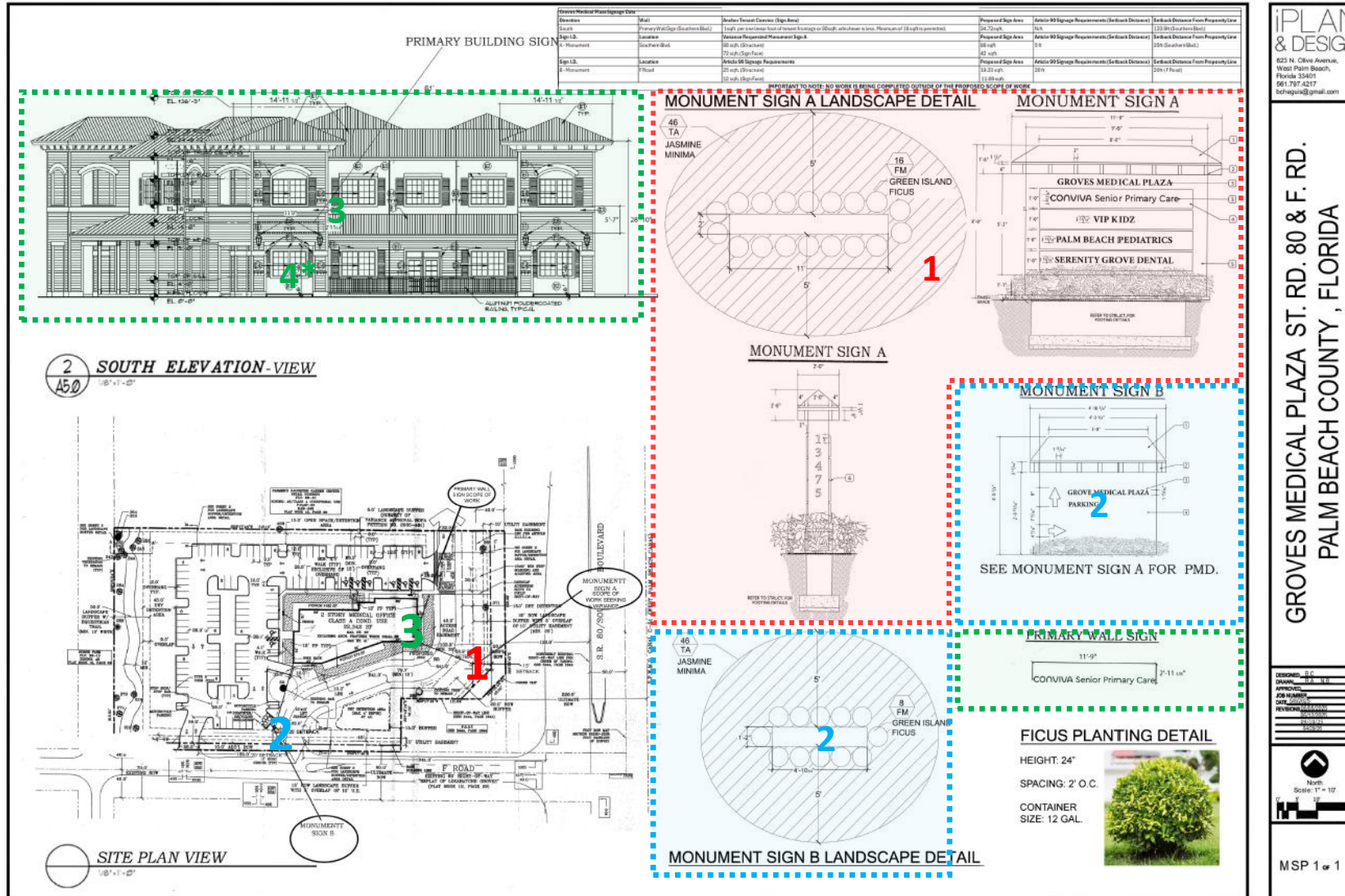
Minor Mods. & Additions

- The request is limited to the four (4) areas of the site/building
- 1. Modification of existing monument sign (via Variance)
- 2. Construction of previously approved but not constructed monument sign (at F-Road entry)
- 3. & 4. Addition of new wall signage on south building elevation (facing Southern Blvd.) & signage on the entry door glass.



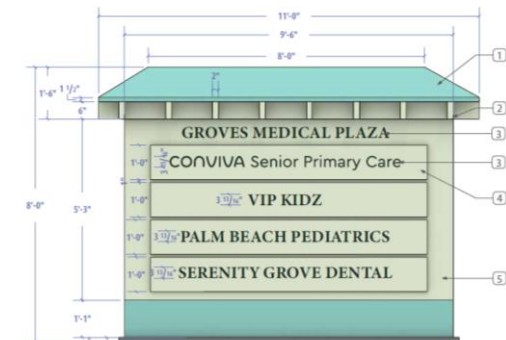
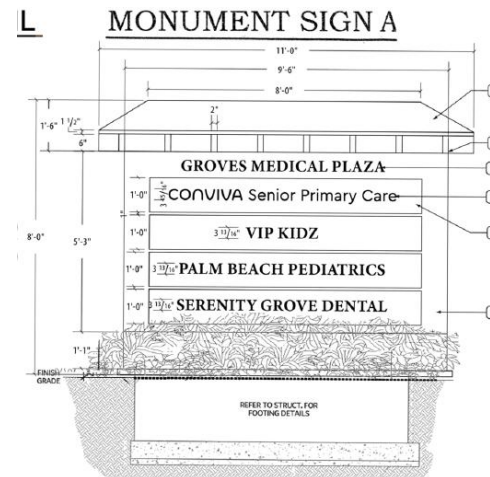
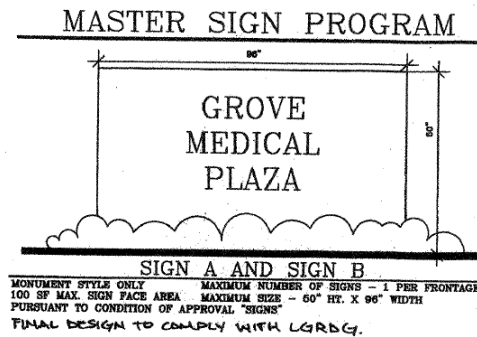
Proposed Modified & New Signage

- 4* Window / door sign detail is located in the vendor sign package (under separate cover)



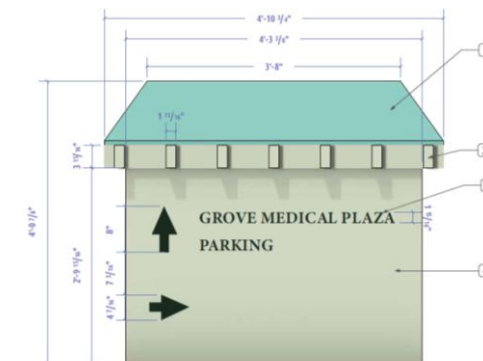
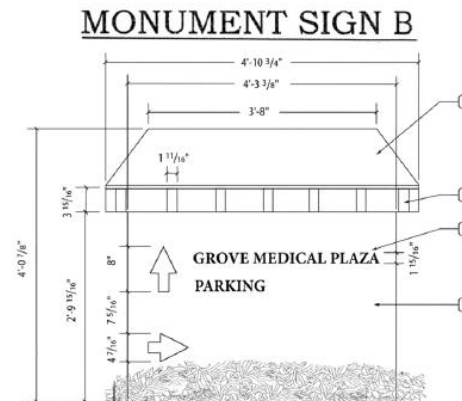
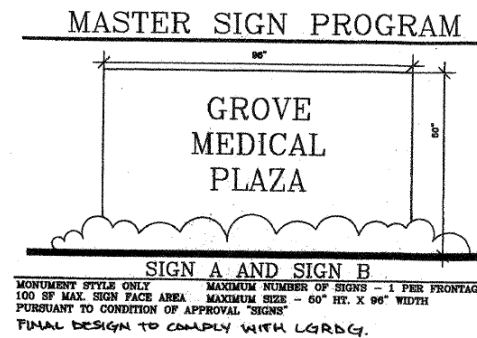
Monument Sign A - Modification

- Original monument sign 'A' was approved along Southern Blvd. and constructed within the FDOT swale
- Applicant proposing to update the signage to include tenants and consistent architectural elements
- A variance has been requested for this sign as it was approved and constructed away from a primary access drive



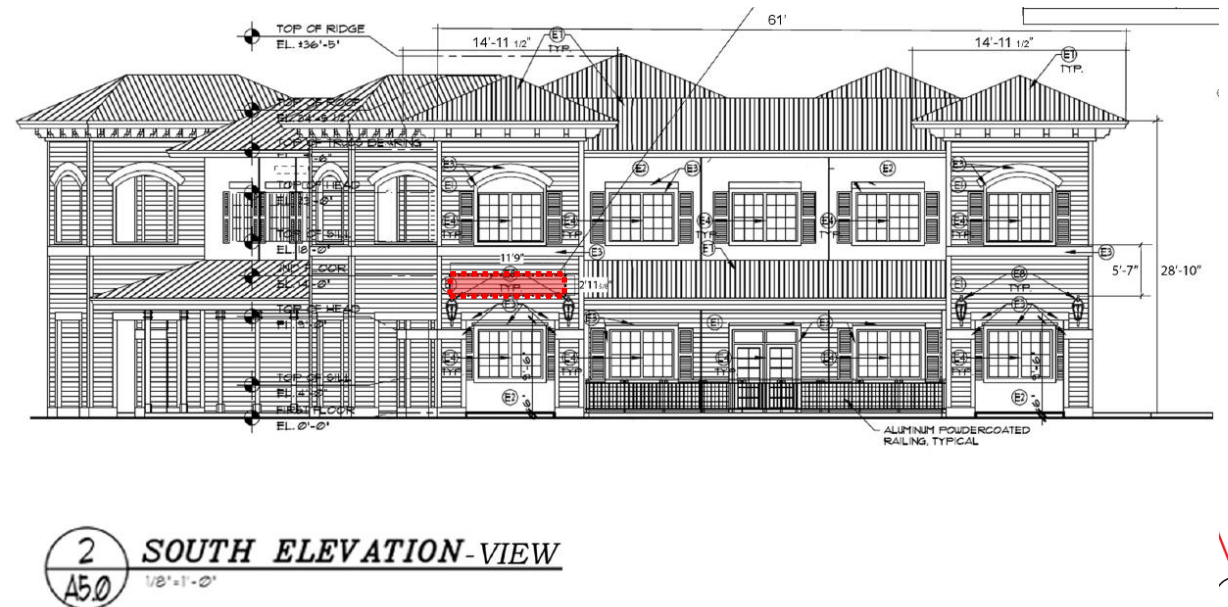
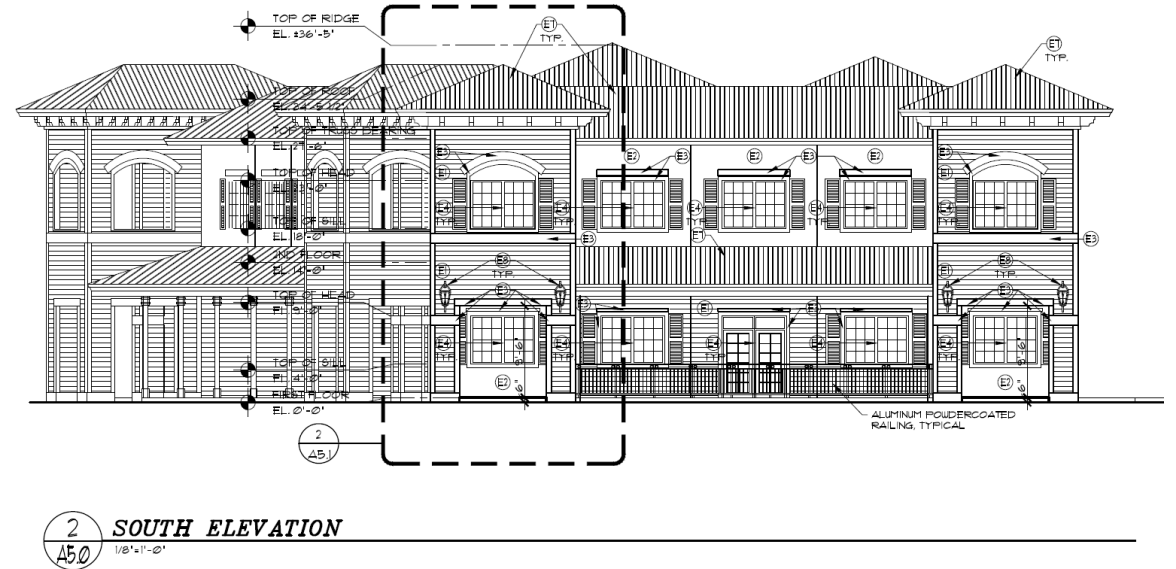
Monument Sign B – Previously Approved/New Construction

- Original monument sign 'B' was approved along F-Road along the west side of the site in 2006. *IT WAS NEVER CONSTRUCTED*
- Applicant proposing to construct the previously approved sign and position it so as to act as a wayfinding sign for access to the Medical Office use & notice for future cross access to the east
- The sign adheres to all applicable code requirements for size/location/design



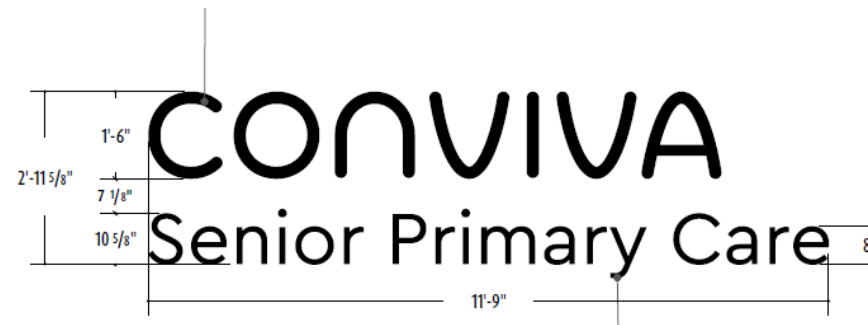
Building Wall Signage

- Wall signs were NOT approved with the original PBC-BCC zoning approval in 2006 (No signage on any building elevations)
- Applicant proposing to add a single (1) anchor tenant sign for the New Medical Office tenant to effectively identify the location of the tenant for senior patients coming to the site and this tenant space.



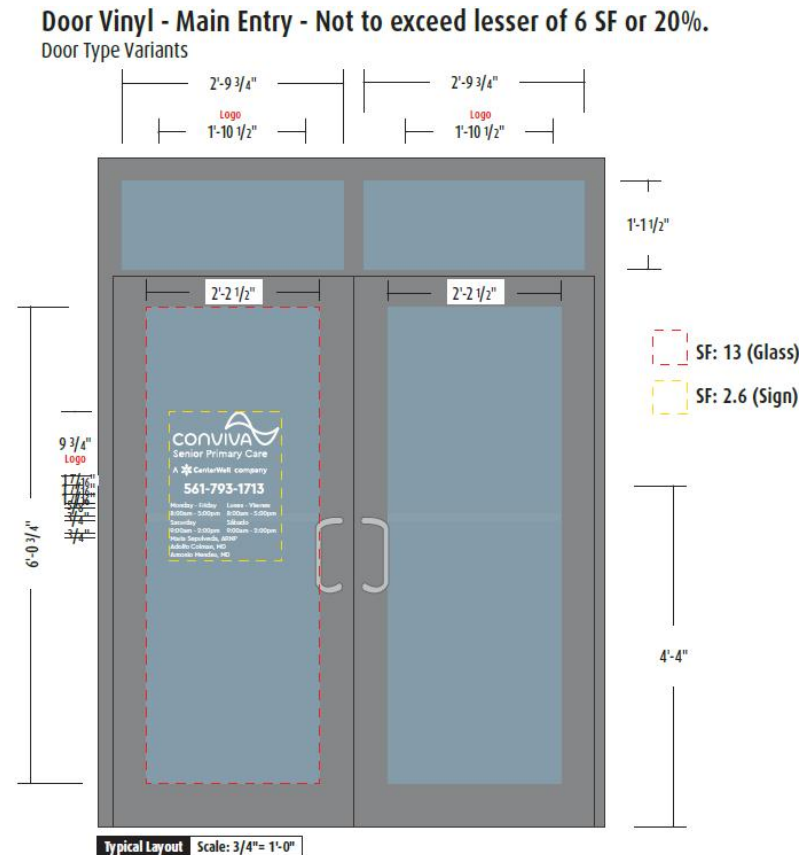
Anchor Tenant Building Wall Signage

- 1 wall sign with a total sign area of 34.27 SF positioned to direct patients to the Medical Office use.
- Sign meets the size & area requirements for wall signage.
- No lighting of sign is proposed with this entitlement request.



Anchor Tenant Window/Door Signage

- Window/Door signage provided on the anchor tenant main point of public access. Ltd. to name/address/telephone #/hours of operation/list of doctors
- +/-2.6 SF of sign area (less than ½ the area permitted for door signage 6 SF)



Detail Descriptions:

1. First surface digitally printed vinyl graphics.



Loc: DV-D-1.1#

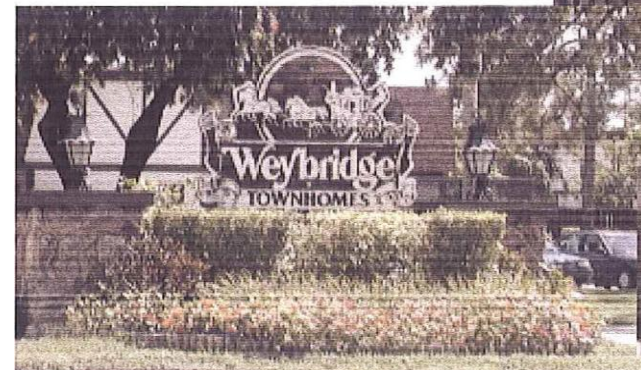
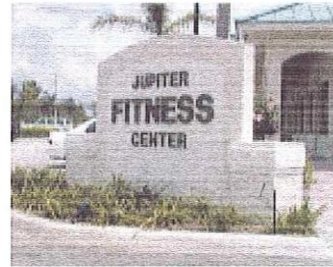
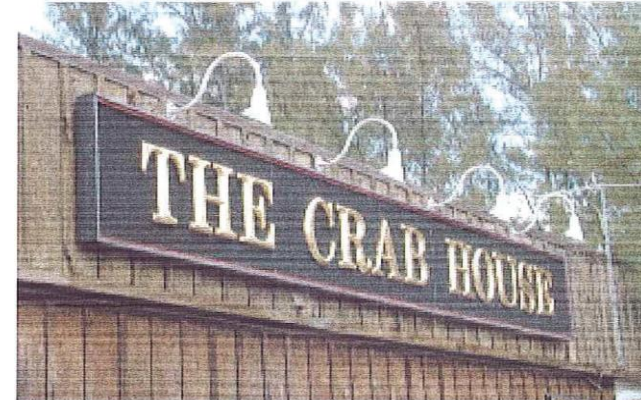
Install Elevation **Scale:** 1/2"= 1'-0"

Architecture – Rural Vista Guidelines

THE APPLICANT HAS ADHERED TO THE TOWN'S RURAL VISTA GUIDELINES ON THE BUILDING AND THROUGHOUT THE SITE AS FOLLOWS:

I. Signs

- Architectural elements added to monument signage (consistency with bldg. architecture)
- Wall signage is trademark protected and will be constructed consistent with the guidelines for size, materials, location, etc..



Consistent with Variance Standards

- That special conditions and circumstances exist which are unique to the property in question, or to the intended use of property, that do not generally apply to other properties in the same zoning district.
- That any alleged hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.
- That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and an undue hardship.
- That the variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.
- That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Conclusion

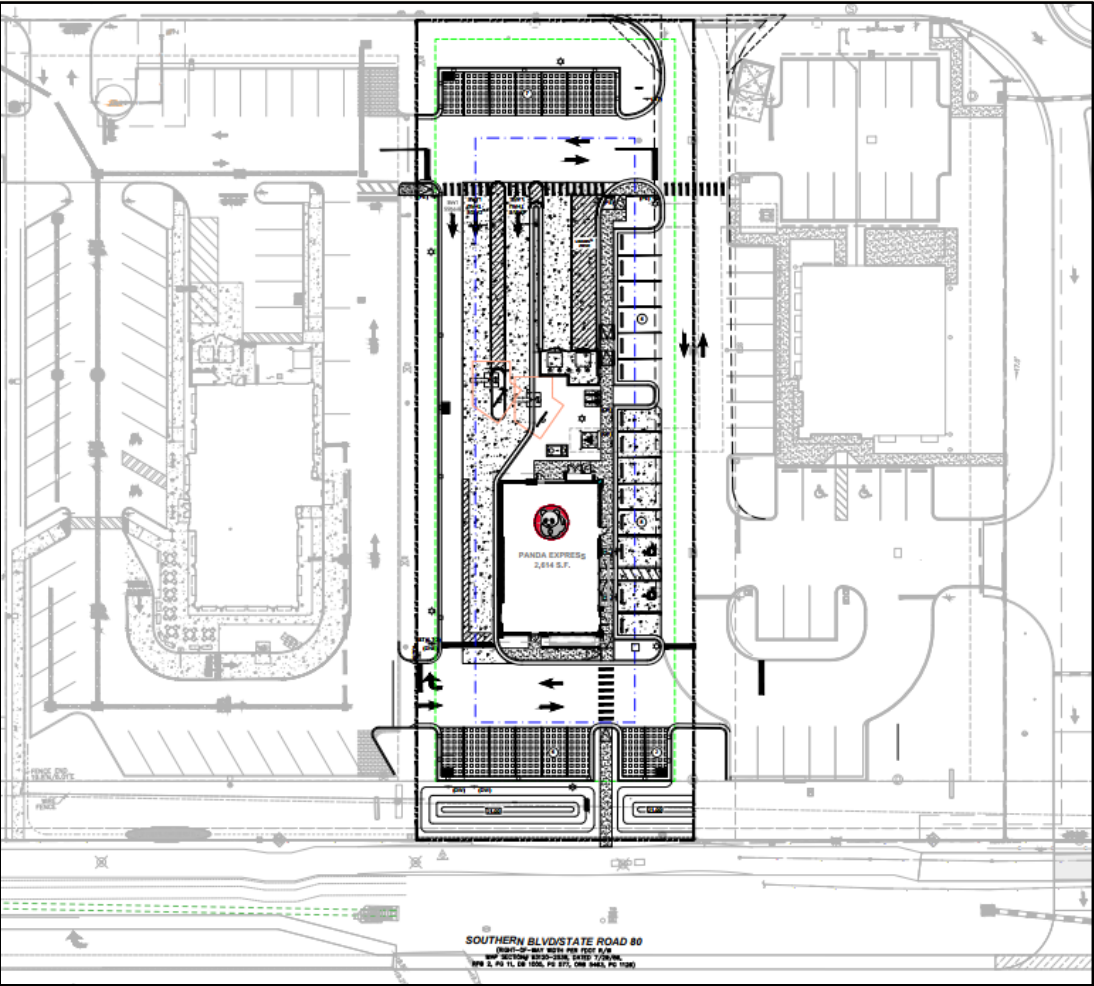
WE ARE HERE TO ANSWER ANY QUESTIONS FROM THE
BOARD.

THANK-YOU

Panda Express - Groves Town Center

Applicant presentation for the Town of Loxahatchee Groves Planning and Zoning Board | July 14, 2026

This is supplement to Item 4



Items for Discussion

Ordinance 2026-03 — PUD / Master Plan Amendment

Updates the Groves Town Center PUD/Master Plan conditions to recognize the Pod B-3 with the Panda Express site plan and the requested development-standard waivers.

Resolution 2026-49 — Variance

Requests relief for sign-related operational and safety deviations associated with the project.

Resolution 2026-50 — Site Plan

Requests approval the Panda Express site plan for a 2,614-SF restaurant with drive-through on Pod B-3, subject to conditions of approval.

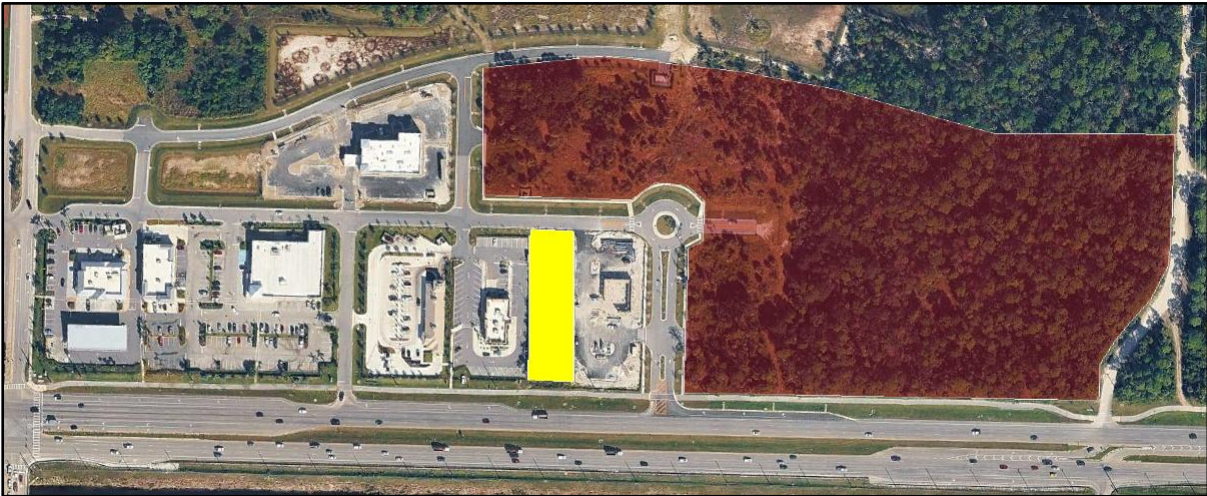
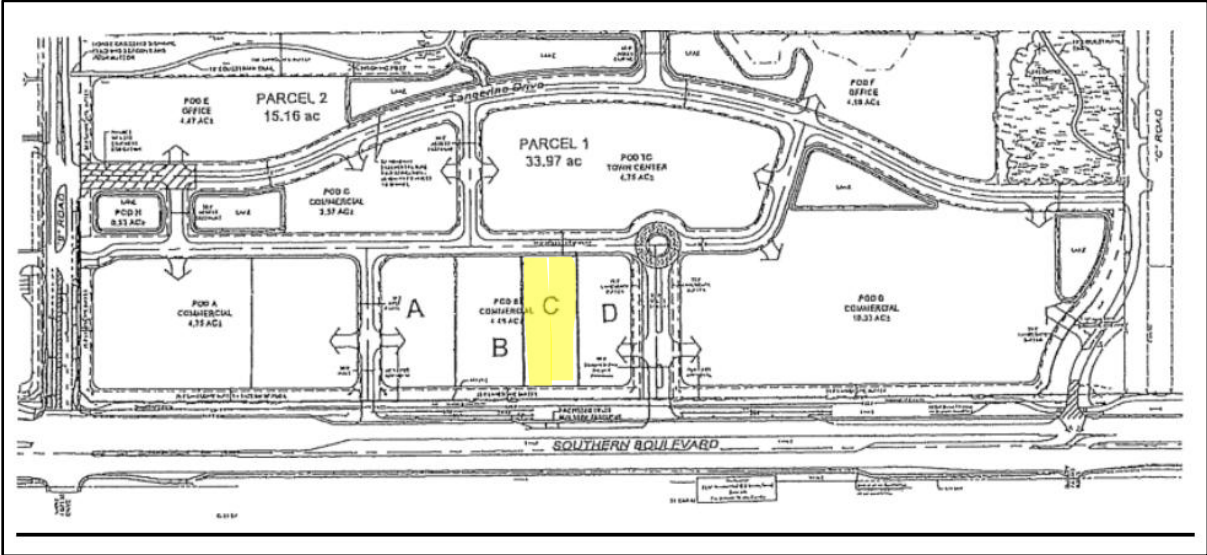
Requested action: recommend approval to Town Council, subject to acceptable conditions.

Property- Town Groves Pod B, Lot 3-Commercial infill of 0.9 acre lot MUPD Zoning & MLU Future Land Use



Property- Town Groves Pod B, Lot 3-Commercial infill of 0.9 acre lot

MUPD Zoning & MLU Future Land Use



Entitlement framework and approval history

The request implements an already-approved Town Center PUD



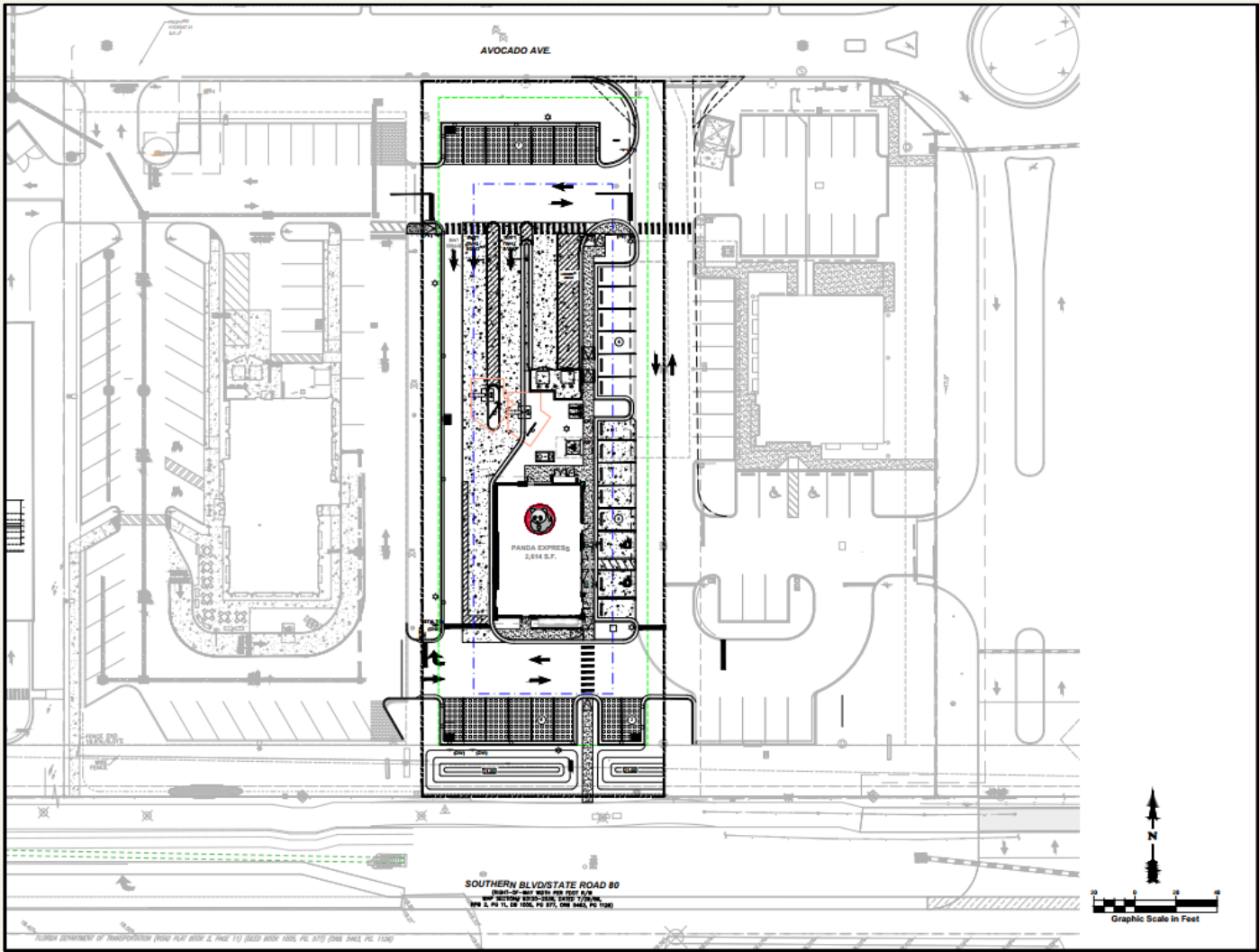
Entitlement point

The PUD already establishes the commercial framework. This application updates Pod B-3 to accommodate the site plan, associated waivers, and master sign program while preserving continuing PUD conditions. Prior conditions not specifically modified remain in full effect.

What these applications do not propose

- No changes to existing land use intensity
- No changes to permissible uses or requests for non-permissible uses
- No request to reduce landscape or tree mitigation requirements
- No additional traffic concurrency requests-trips are already allocated in the TGC allocation

Proposed site plan



2,614 SF

Building area shown on the site plan

29

Total on-site parking spaces

14

Drive-through queue spaces provided

SITE PLAN ELEMENTS

- Internal access connection through Avocado Avenue and the Groves Town Center circulation network;
- 28-foot two-way drive aisle;
- Cross-access and pedestrian links to adjacent Pod B parcels;
- Pervious pavers & underground exfiltration;
- Tree mitigation by on-site tree replacement and relocations
- 30% impervious surface

PUD / Master Plan Amendment

Targeted amendment to reflect Pod B-3 site plan and permitted waivers

PUD topic	Proposed amendment / clarification	Planning effect
Master plan / tabular data	Update Master Plan and remaining allocations to reflect Panda Express	Keeps development within approved PUD framework
Waiver authority	Add W1-W3 for parking dimensions, loading distance, and frontage planting	Allows site-plan-specific relief without changing intensity
Continuing conditions	Carry forward all conditions not expressly modified	Preserves Town control and enforcement

Core finding: the amendment is implementation-oriented and does not increase the approved PUD development intensity.

The initial application included 21 waivers and variances considered by DRC and has been reduced to 6 requested waivers and variances

Approval criteria and findings

The record supports consistency with the Comprehensive Plan, ULDC and PUD framework

Criterion / finding	Evidence in record	Applicant position
Comp Plan consistency	Infill within approved PUD; commercial growth in planned location; safe circulation and compatibility policies	Consistent
ULDC conformity	Site plan meets applicable standards except requested waivers/variances	Compliant as conditioned
PUD & plat consistency	Pod B commercial location; master plan update; continuing PUD conditions	Consistent
Traffic	TPS (Traffic engineer) studies confirmed no threshold exceedances	Compliant
Public facilities	Water/sewer, electric, gas, solid waste, drainage documents provided	Available subject to final permits

Site plan waivers requested: W1-W3

ID	ULDC section	Required / issue	Requested relief	Analysis
W1	95-025	Parking stall dimensional standards	Allow reduced-depth to 20 ft stalls in identified north/east parking areas	Dimensional relief only, consistent with other GTC lots and adjacent lots
W2	95-075	Loading zone not to exceed 30 ft from building	Allow loading zone approximately 51 ft from the building	Keeps service activity safe and functional
W3	85-055.B.2	Foundation planting along at least 40% of lineal frontage	Allow 35% (3.5 ft reduction) of foundation planting on the north building frontage.	Limited by egress, sidewalk and building-function constraints; planting remains where feasible. Consistent with GTC lots and adjacent lots

Message: these waivers are targeted site-layout items, not a change in use or intensity.

Waiver 1- Size of parking spaces- ULDC Section 95-025

Relief from ULDC SECTION 95-025 SIZE OF PARKING SPACES

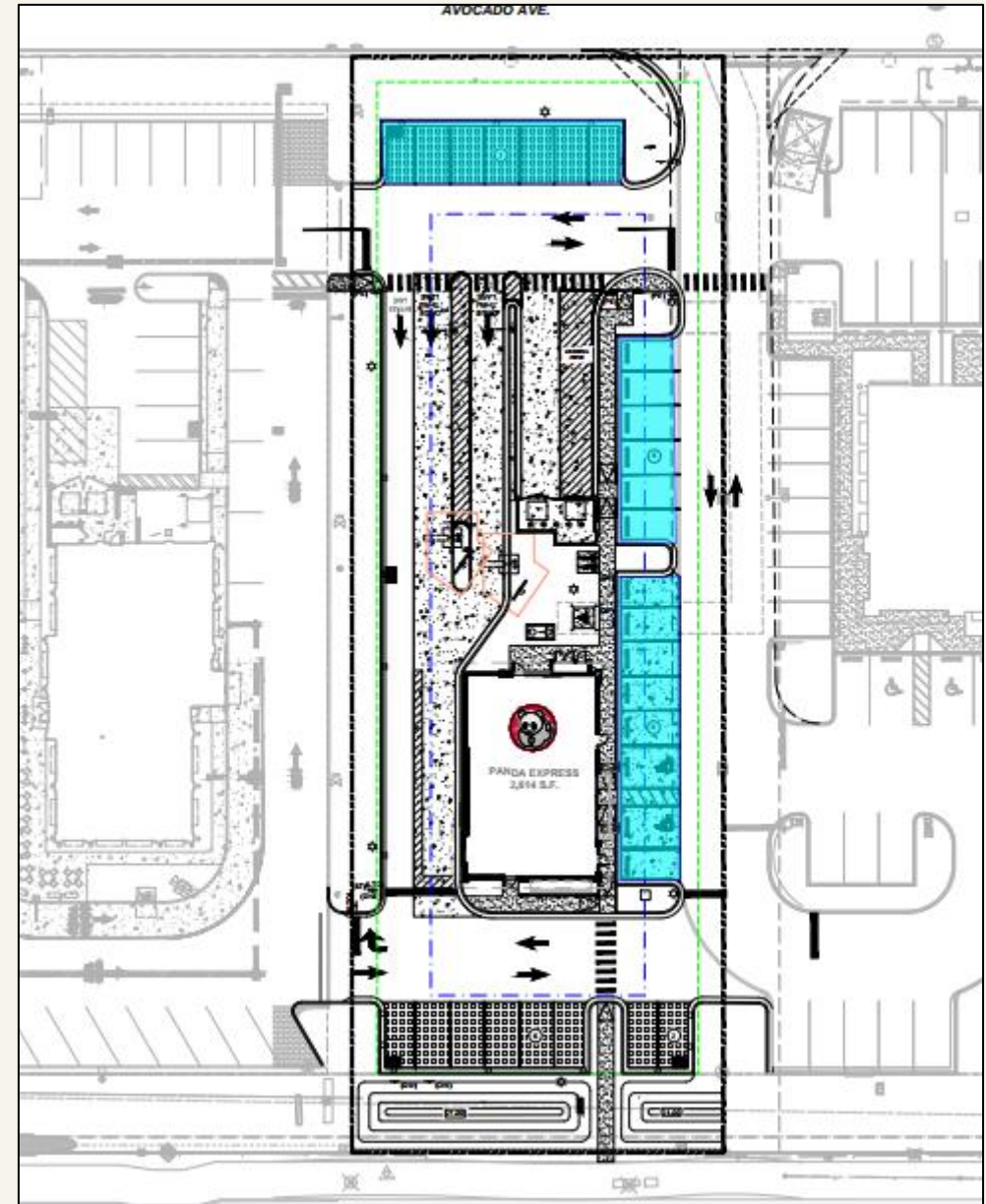
Allows the property to have reduced sized parking, including the handicap parking spaces.

17 parking spaces and 2 on-line order pick up spaces will be reduced from a depth of 22.5' to 20.0'

2 handicap spaces will be reduced from 14' by 22.5 to 14' by 20'. The revised spaces are ADA compliant

6 parking and 2 drive through waiting spaces will meet ULDC minimum dimensions of 22.5' by 11'

Waiver is consistent with other commercial out lots in the Town Center, including the Culvers to the west and Binks Forest Dental Care to the east.



Waiver 2- Loading Zone NTE 30' from Building-ULDC Section 95-075

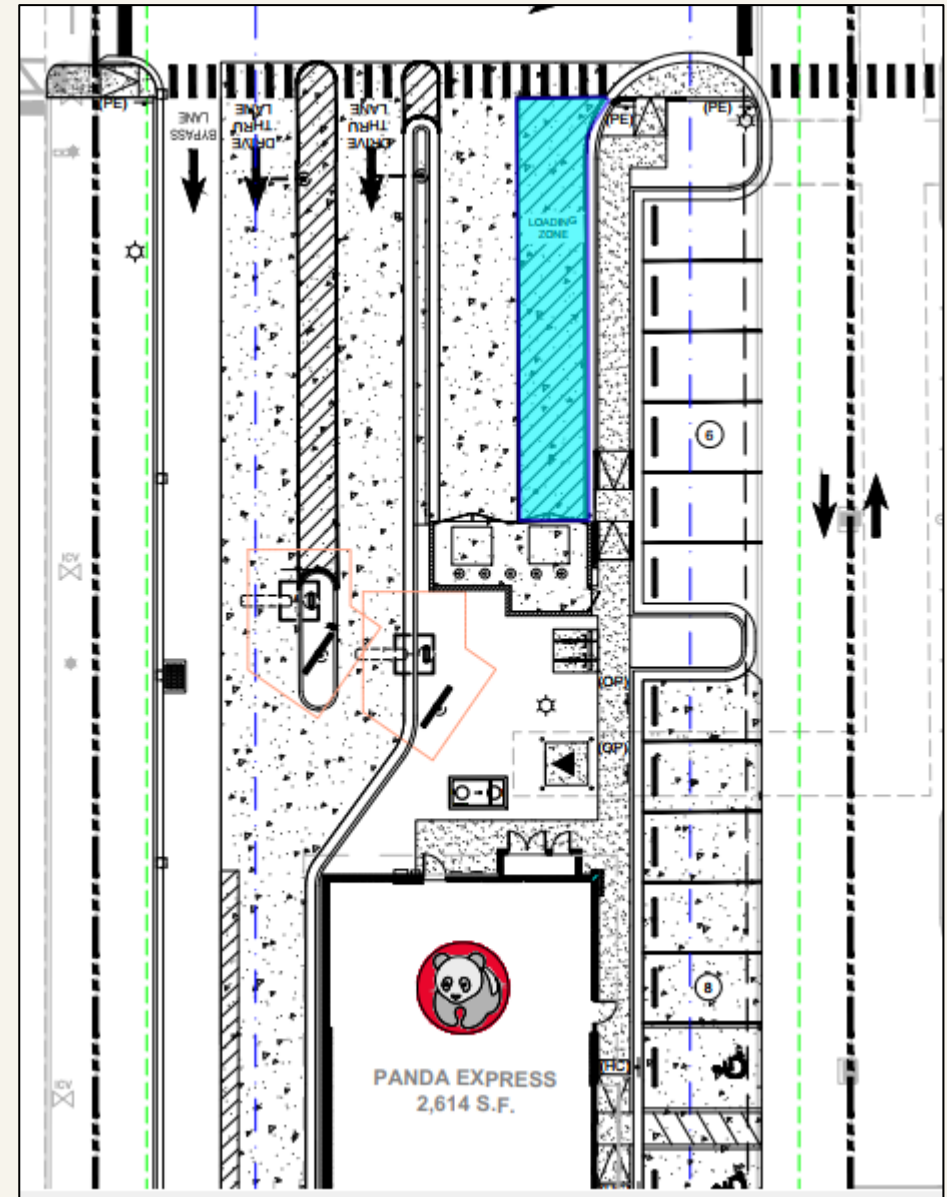
Relief from ULDC SECTION 95-025 LOADING ZONE NTE 30' FROM BUILDING

Allows the property to have a loading zone more than 30' from the building

The proposed site plan has the loading zone 51' from the building

The loading zone location is driven upon the location of the trash enclosure, electrical easement and transformer, grease trap and required landscaping and open space

A safe and direct path of access is provided



Waiver 3- Additional interior open space requirements-ULDC Section 85-055.B.2

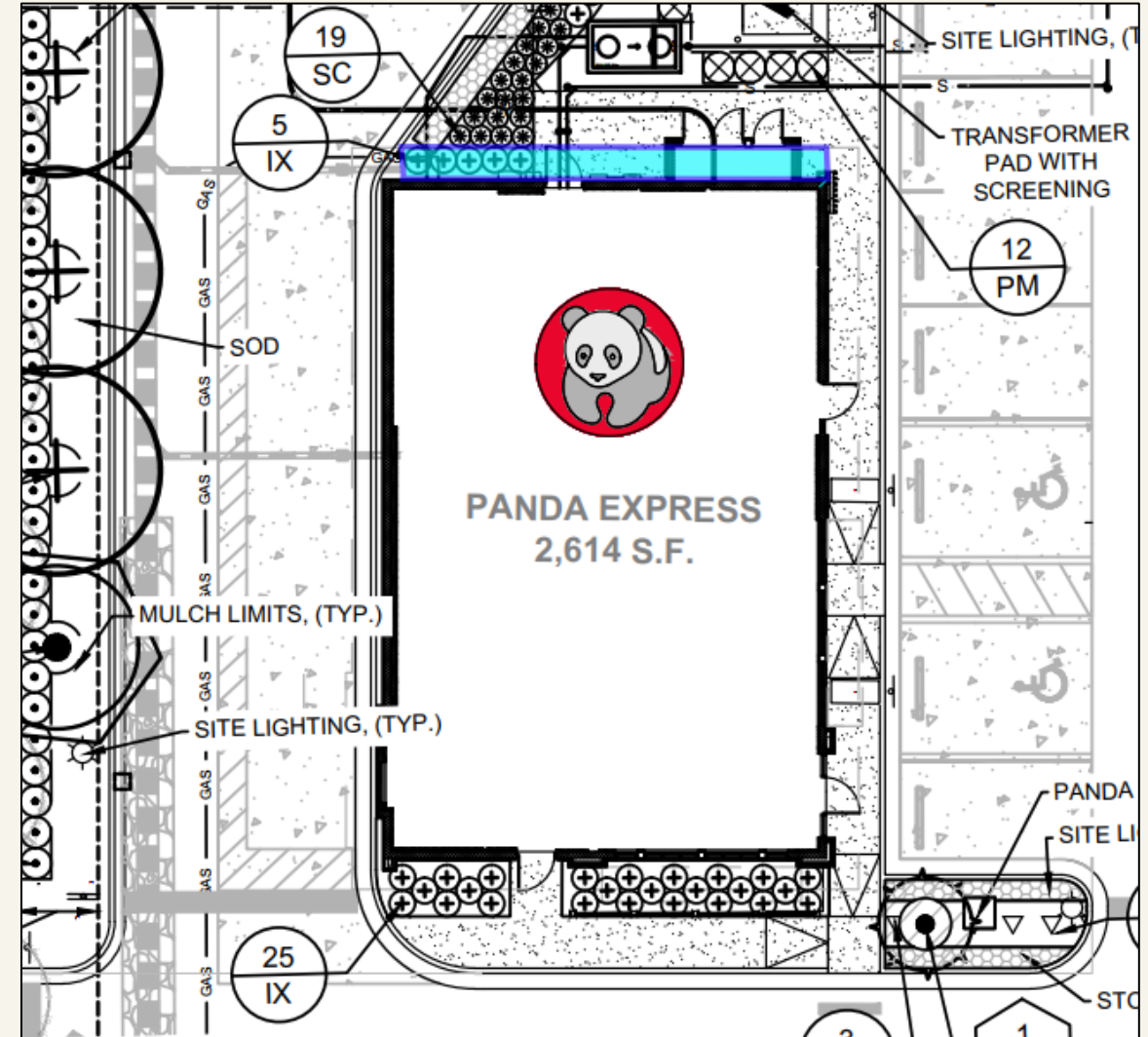
Relief from ULDC SECTION 85-055.B.2 Additional open space requirements

Allows the property to have a reduction of the 40% of linear footage of foundation plantings on frontages

The building requires 16.7 linear feet of foundation plantings on the north and south elevations

The north elevation can only accommodate 13.2 linear feet, 3.5 feet short of the minimum. The remaining area is a closet, a door, and utilities with required clearances

The south elevation provides 36 linear feet (87%) of foundation planting.



Variances requested for signage: V1-V3

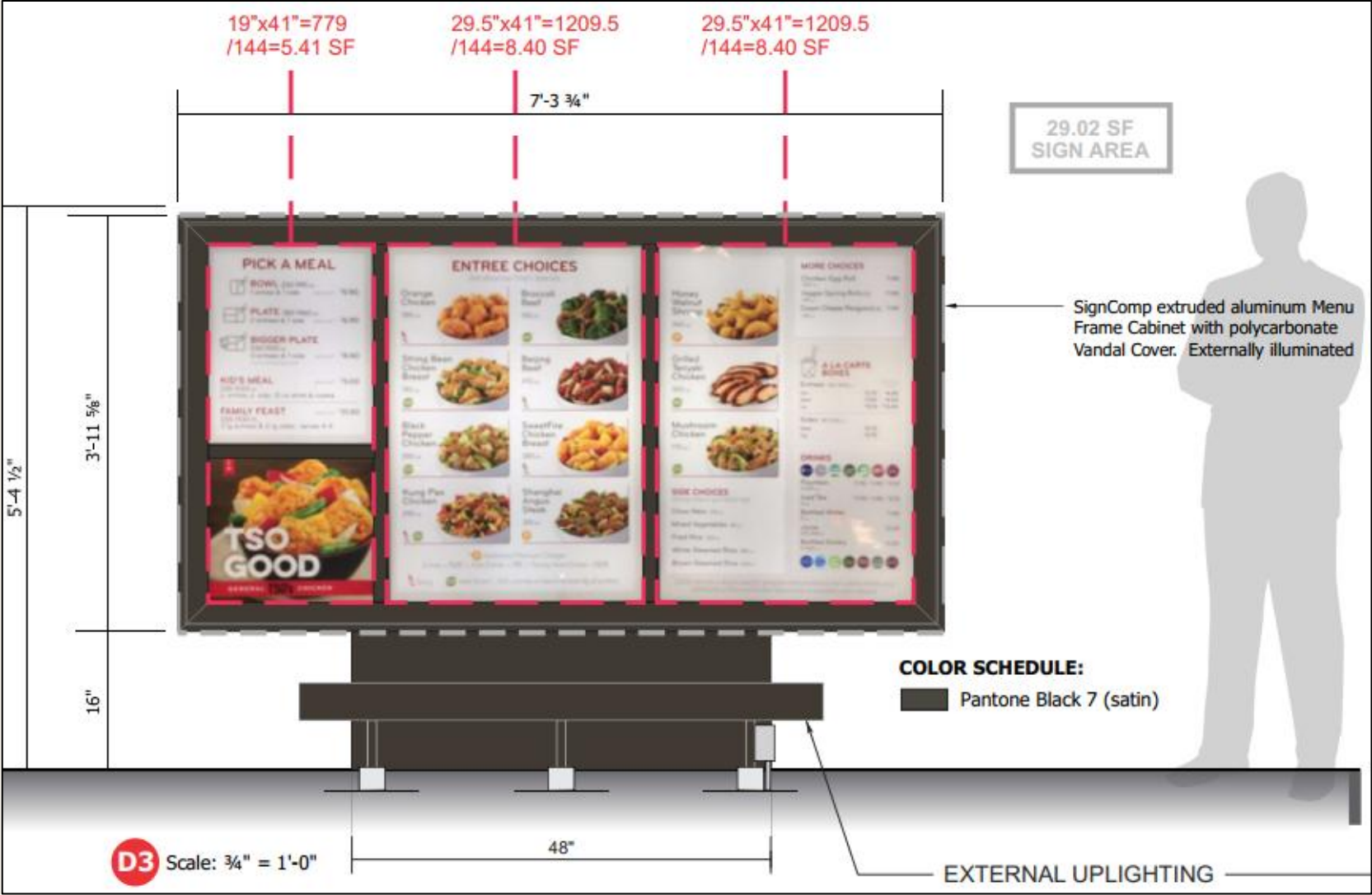
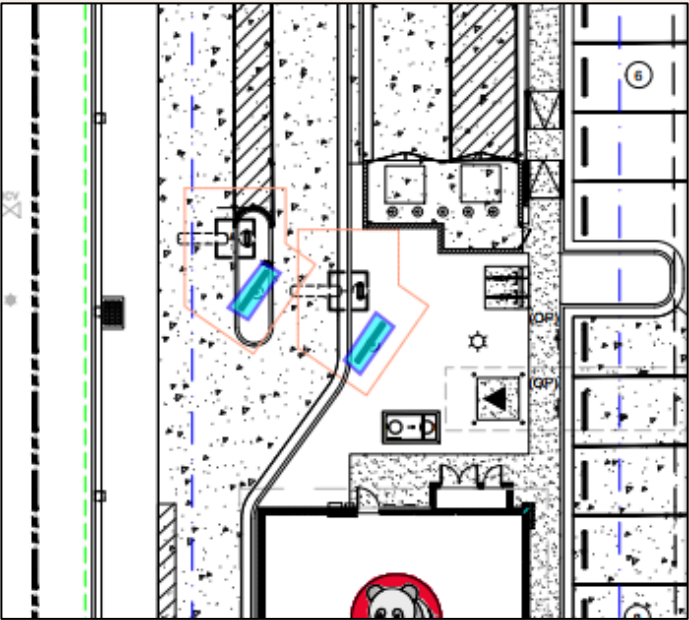
ID	ULDC section	Code condition / issue	Requested deviation	Applicant point
V1	90-040.B.5.a	Secondary sign size	Allow drive-through menu boards up to 5 ft 4.5 in high, 7 ft 3.75 in wide, and 29.02 SF.	Readable menu boards are necessary for customers to understand all available options and pricing. Reduces order and time in queue.
V2	90-40.B	Operational sign types not expressly listed	Allow order canopy units, wayfinding, clearance signs, drive-through waiting signs and online-pickup signs as shown.	Wayfinding, operational & safety; not building-intensity.
V3	90-40.B	Number of secondary signs	Allow the proposed number of signs shown on the site/sign plan.	Wayfinding, operational & safety; not building-intensity.

The variances for signs request is strictly for operational, safety and wayfinding.
Variances for signs are intended assist customers, not advertising

Variance 1- Size of menu boards- Code Sec. 90-040.B.5.a

Variance from Code Sec. 90-040.B.5.a which limits secondary signs to no more than 12 SF with a maximum height/width of 5 feet.

The project menu boards are 5'4" high and 7'3" wide, for a total of 29 SF

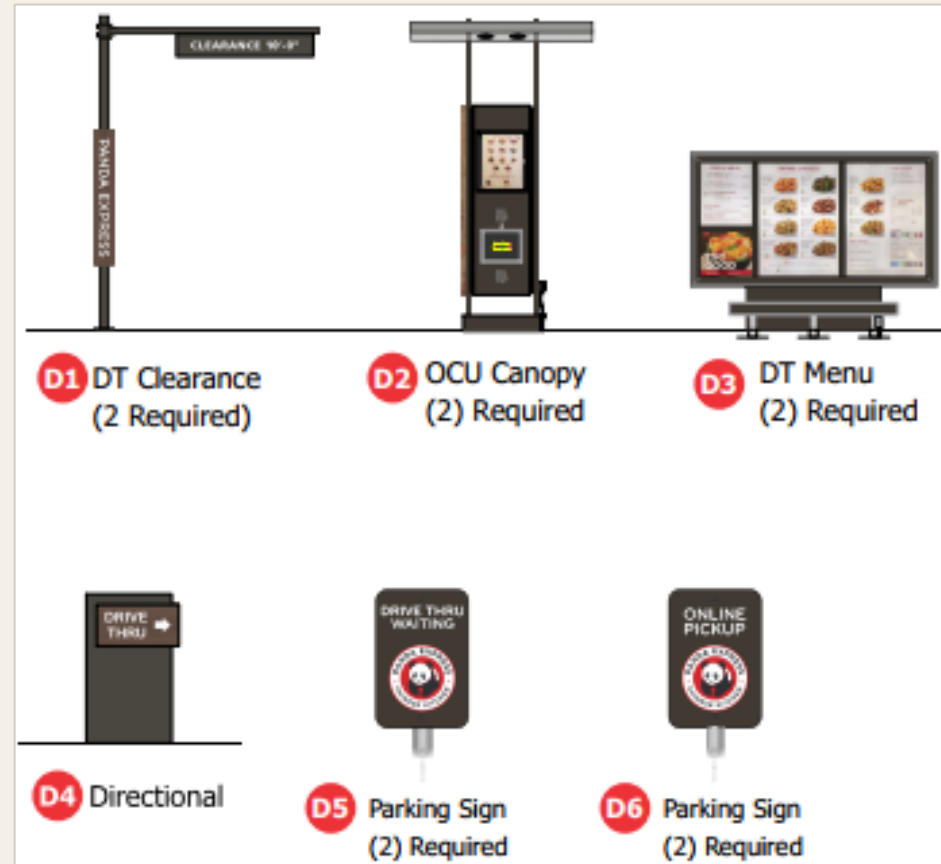


Variance 2- Types of signs- Code Sec. 90-40.B

Variance from Code Sec. 90-40.B for the type of proposed signs

This variance is for the purpose of multiple operational support signs including wayfinding, directional, order box unit, clearance bar, drive through waiting and on-line pick up waiting signs. These signs are not addressed in Code.

This is consistent with other GTC commercial lots.



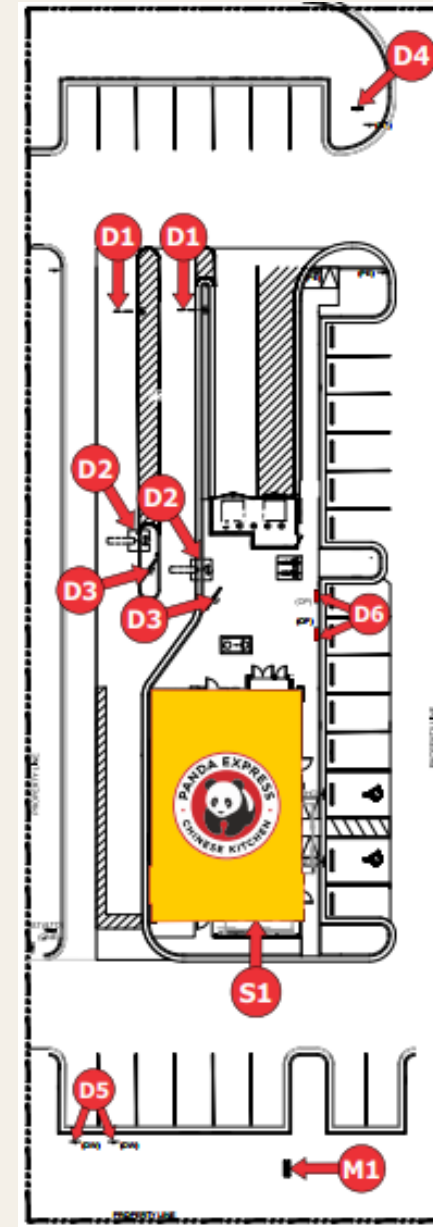
Variance 3- Number of signs- Code Sec. 90-40.B

Variance from Code Sec. 90-40.B for the number of proposed signs

This variance would allow for additional secondary signs on the property.

11 secondary signs, 6 traffic signs & 3 PED-Xing signs

This is consistent with other GTC commercial lots



Panda Express Prototype



- High-contrast branding and prototype roof expression

Proposed non-prototypical Panda Express for Loxahatchee Groves



Accommodations to align with Rural Vista Guidelines

- Hip roof entry element
- Mansard roof in lieu of parapet
- Reduced visual emphasis on prototype elements
- Removed most red brand highlights and LEDs
- Window treatment (muntins) and awnings
- Fencing
- Horizontal banding to break up massing
- Lighter natural stone base
- Gooseneck lights in lieu of internally lit cabinets
- Removed “Loxahatchee Groves PANDA” from the Panda statue



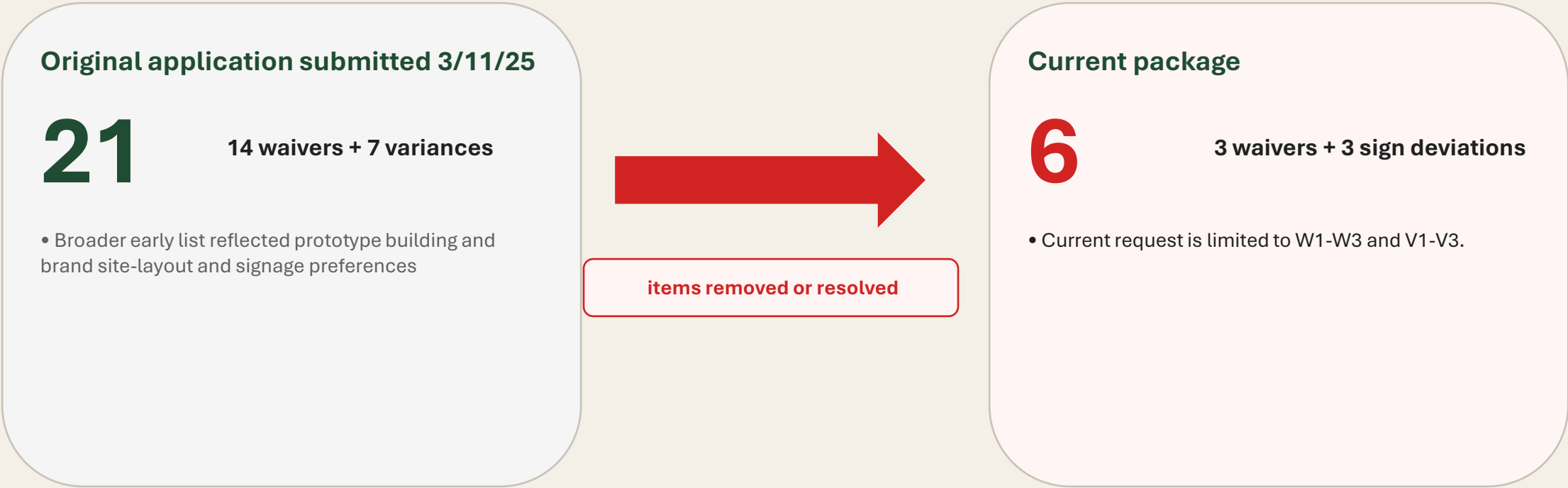
Design Alternative

An alternative building design considering brand awareness, improved alignment with Rural Vista Guidelines and existing architecture in Loxahatchee Groves. Incorporates mansard parapet, gable farmhouse metal roof, metal awnings, and removal of all red exterior elements except the Panda Express logo. Presented by the applicant for consideration by the board for recommendation to council



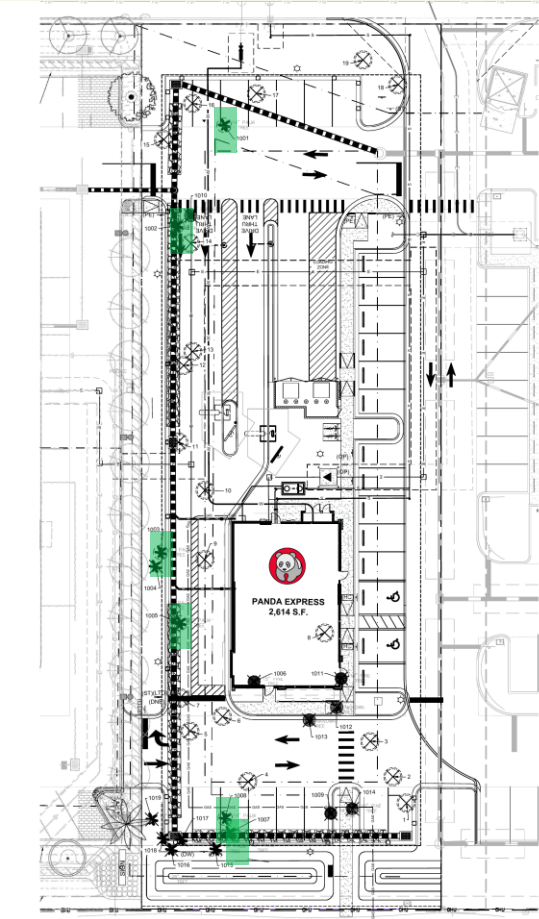
Relief package narrowed through review

The original package included 21 waiver/variance items identified and considered by DRC; the current request is 6 items.



Landscape backup

Tree removal is approved by separate resolution, tied to final site plan and VRP



- SABAL PALM TRANSPLANTING NOTES:**
1. USING SHARP STERILIZED PRUNING SHEARS, CUT THE PALM FROND OFF IN A TECHNIQUE KNOWN AS "HURRICANE" OR "SHARP CUT". CUT MUST BE MADE BY PERSONNEL WITH A MINIMUM OF TWO YEARS' EXPERIENCE IN PRUNING PALMS IN THIS MANNER.
 2. USE STERILIZED POWERED TREE SPACE OR HEAVY STEEL SHARPENED DIGGING SPACE WITH A CLEAN WELL-HONED CUTTING EDGE TO CUT A ROOT BALL A MINIMUM OF 18" FROM THE TRUNK. PALM HOLE WITH TOPSOIL MUST BE COMPACTED LIFTS AT 80% COMPACTION AND APPLY MULCH, PLANT MATERIAL, OR SOD AS NOTED ON THE LANDSCAPE PLAN.
 3. USING STERILIZED SHARP HAND SPADES, TRIM THE ROOT BALL INTO A CIRCULAR SHAPE 13 TO 16 INCHES FROM THE OUTER EDGE OF THE TRUNK OF THE PALM.
 4. SECURE THE PALM ON A FLAT-BED TRUCK BY LIFTING WITH NYLON SLINGS AND TRANSPORT IT TO THE PLANTING SITE. INSURE THAT THE CENTER OF THE BLD IS WELL PROTECTED. PALMS LIFTED BY A CHAIN, THEREBY RECEIVING TRUNK DAMAGE, SHALL BE REJECTED AND REPLACED BY A NEW PALM AT THE COST OF THE CONTRACTOR.
 5. KEEP THE ROOT BALL MOIST BETWEEN REMOVAL AND INSTALLATION. INSTALLATION SHALL OCCUR WITHIN A 15 HOUR PERIOD OF REMOVAL.
 6. PREPARE A PLANTING HOLE 2 TIMES THE DIAMETER OF THE ROOT BALL, BUT AT THE SAME DEPTH. EXAMINE THE SOIL REMOVED FROM THE PLANTING HOLE AND DETERMINE IF THERE IS EXCESSIVE SHELL OR MUCK. TEST THE HOLE FOR REGULATION TO INSURE PROPER DRAINAGE. REFER TO THE LANDSCAPE NOTES FOR HOW TO RESPOND TO UNSUITABLE SOILS OR OBSTACLES.
 7. CAREFULLY OFF-LOAD THE PALM FROM THE FLAT-BED TRUCK AND CENTER PALM IN THE PLANTING HOLE. SET THE PALM DOWN INTO THE HOLE AND INSURE THAT THE PALM IS AT THE SAME DEPTH AS THE ROOT BALL, OR 1" ABOVE GRADE TO ALLOW FOR SETTLEMENT IF NECESSARY.
 8. BACKFILL THE HOLE WITH INSITU SOIL FROM THE PLANTING HOLE, OR AMENDED SOIL, IF REQUIRED PER NOTE NUMBER 1 ABOVE. USE THE EXCESS SOIL TO CREATE A RAISED RING AROUND THE PALM 42" OFF OF THE TRUNK, TO RETAIN WATER.
 9. SECURE AND STAKE THE PALM AS ILLUSTRATED IN THE PALM STAKING DETAIL. DO NOT DRIVE NAILS INTO THE PALM TRUNK. IF SODS, PALMS WILL BE REJECTED AND REPLACED BY THE CONTRACTOR AT CONTRACTORS EXPENSE.
 10. USE A WATER HOSE TO HYDRAULICALLY COMPACT THE SOIL IN THE PLANTING HOLE TO ELIMINATE AIR POCKETS, THEN BACKFILL THE SETTLEMENT AND REPEAT. FILL THE PLANTING RING WITH WATER AND INSURE PERCOLATION.
 11. INSTALL THE IRRIGATION DRIP TUBING IN ACCORDANCE WITH THE IRRIGATION PLAN. MONITOR AND IRRIGATE THE PALMS AS NEEDED FOR THE PALMS TO THRIVE.
 12. BEGIN FERTILIZATION AFTER NEW GROWTH BEGINS. FERTILIZE USING A CONTROLLED RELEASE 8-2-12-4N0 FERTILIZER EVERY 1 MONTH.
 13. REMOVE STAKING AND BURLAP RAP AFTER SUCCESSFUL PALM ESTABLISHMENT. IF THE YEAR WARRANTY ENDS MID-SEASON, REMOVAL, TYPICALLY OCCURS ONE YEAR AFTER PLANTING. SCHEDULE STAKING REMOVAL WITH THE OWNER TO INSURE MINIMAL DISRUPTION TO THEIR DAILY OPERATIONS.

MITIGATION COST ESTIMATE			
TREES BY SPECIES	QUANTITY	UNIT COST (\$)	TOTAL COST (\$)
BALD CYPRESS	3	825	2,475
LIVE OAK	2	1,750	3,500
RELOCATED CABBAGE PALM	6	250	1,500
TOTAL MITIGATION COST			7,475

Topic	Record point
Specimen trees	Two native specimen slash pines associated with Panda Express VRP.
Town Council action	Resolution 2026-42 adopted June 2, 2026, approving removal subject to final site plan and VRP
Mitigation	Landscape plan identifies tree status, relocation/removal and mitigation planting / fee estimate. On-site relocation of 6 sabal palms, 3 bald cypress (20-25' HT), and 2 live oaks (20-25' HT)

PLANT LIST						
SYM	COMMON NAME	BOTANICAL NAME	DESCRIPTION	DROUGHT TOLERANT	NATIVE	QTY
TREES						
BS	GUMBO LIMBO	BURSERA SIMARUBA	6" CAL., 20-25' HT.	YES	YES	5
CE	GREEN BUTTWOOD	CONOCARPUS ERECTUS	6" CAL., 20-25' HT.	YES	YES	4
QV	LIVE OAK	QUERCUS VIRGINIANA	6" CAL., 20-25' HT.	YES	YES	2
RSP	RELOCATED SABAL PALM	SABAL PALMETTO		YES	YES	6
SB	SILVER BUTTWOOD	CONOCARPUS ERECTUS 'SERICEUS'	4" CAL., 12' HT., STD. TRUNK	YES	YES	7
TD	BALD CYPRESS	TAXODIUM DISTICHUM	6" CAL., 20-25' HT.,	YES	YES	3
SHRUB / GROUND COVER						
IX	MAUI RED IXORA	IXORA MAUI 'RED'	3 GAL., 30" MIN. HT., 16" SPRD., 30" O.C.	YES	NO	45
HCI	HORIZONTAL COCO PLUM	CHRYSOBALANUS ICACO VAR. HORIZONTAL	3 GAL., 30" MIN. HT., 14" SPRD., 30" O.C.	YES	YES	56
SC	RED TROPICAL SAGE	SALVIA COCCINEA	3 GAL., 24" MIN. HT., 14" SPRD., 24" O.C.	YES	YES	68
PM	MAKI PODOCARPUS	PODOCARPUS MACROPHYLLUS 'MAKI'	7 GAL., 48" MIN. HT., 24" SPRD., 36" O.C.	YES	NO	20
CR	RED TIP COCOPLUM	CHRYSOBALANUS ICACO 'RED TIP'	7 GAL., 36" MIN. HT., 30" SPRD., 36" O.C.	YES	YES	85
FG	FAKAHATCHEE GRASS	TRIPSACUM DACTYLOIDES	3 GAL., 24" MIN. HT., 24" SPRD., 36" O.C.	YES	YES	23
CA	QUEEN EMMA LILY	CRINUM AUGUSTUM	15 GAL., 36" MIN. HT., 36" SPRD.	NO	NO	2
IXT	YELLOW TAIWAN DWARF IXORA	IXORA TAIWANESE 'PETITE YELLOW'	3 GAL., 12" MIN. HT., 12" SPRD. AS SHOWN	YES	NO	6
DF	DWARF FIREBUSH	HAMELIA PATENS 'COMPACTA'	3 GAL., 30" MIN. HT., 12" SPRD., 24" O.C.	YES	YES	40
EB	EMERALD BLANKET	CARISSA MACROCARPA	3 GAL., 7" MIN. HT., 19" SPRD., 30" O.C.	YES	NO	26
SOD	ST. AUGUSTINE GRASS	STENOTAPHRUM SECUNDATUM	SOLID SOD, CONTRACTOR TO VERIFY QTY MATCH EXISTING SPECIES ON SITE		NO	

Parking and queue

Parking analysis

Town requirement: 1 space / 4 seats.

59 seats = 15 required.

Provided: 25 customer spaces + 4 surplus = 29 total.

Parking analysis used ITE Parking Generation Handbook, 6th Edition.

Queue analysis

FDOT cited benchmark: 9 vehicles.

Fast-food 85th percentile benchmark cited by CPH: 12 vehicles.

Provided: 14 queue spaces.

Staff report states dual-lane configuration accommodates required queueing and prevents any traffic circulation conflicts

Traffic analysis

Pinder Troutman Consulting

GTC has approved allocation with Palm Beach County and City to account for all trips generated from Panda Express

- After Panda Express (and hotel) the GTC has reached 67% of allocation for AM and PM peak trips.
- Panda does not impact any AM peak trips

Drainage and Utility

Agency letters support availability; final design approvals still apply

Item	Record support	Presentation language
Drainage	On-site inlets / pipes / exfiltration; conveyance to master SWM system	Designed for Town/SFWMD framework; final engineering review remains
Floodplain	FEMA Flood Zone AE noted on plans; grading and finished-floor elevations addressed	No unqualified claim of flood elimination
Water / sewer	PBCWUD available subject to capacity reservation and final design	Adequate service available, final commitment at design approval
Electric / gas	FPL and FPU availability correspondence	Service design/cost finalized during utility coordination
Solid waste	Waste-hauler confirmation and enclosure/truck access in record	Operationally serviceable as designed