



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, January 3, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)  
Vice Mayor Ryan Liang (Seat 3)  
Councilman Tom Goltzené (Seat 5)  
Councilman Ronald. D. Jarriel (Seat 1)  
Councilman Jim Rockett (Seat 2)

Town Manager Mark Kutney  
Town Clerk Janice M. Moore  
Town Attorney Michael D. Cirullo, Jr.

### **PUBLIC NOTICE/AGENDA**

#### **1. OPENING**

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation
- c. Approval of Agenda

#### **2. CONSENT AGENDA**

- a. Minutes for Approval: November 15, 2011 (Workshop), November 15, 2011 (Special), and December 6, 2011 (Regular)
- b. Invoices from Goren, Cherof, Doody & Ezrol, P.A. for December 2011

#### **3. PRESENTATIONS - *None***

#### **4. COMMITTEE REPORTS - *None***

#### **5. PUBLIC HEARINGS (Ordinances 2<sup>nd</sup> Readings) - *None***

#### **6. ORDINANCES (1<sup>st</sup> Readings)**

##### **a. Ordinance 2012-01**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 11-2(SS) TO THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES)

TO COMMERCIAL LOW AND COMMERCIAL LOW-OFFICE, TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 4.96 ACRES OF COMMERCIAL RETAIL AND A MAXIMUM OF 4.34 ACRES OF COMMERCIAL OFFICE AND ACCESSORY USES ON 9.30 ACRES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**b. Ordinance 2012-02**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN'S PLANNING AND ZONING BOARD, TO AMEND SECTION 2, SUBSECTION ENTITLED "COMPOSITION AND TERM OF OFFICE" TO PROVIDE THAT ALTERNATE MEMBERS OF THE BOARD MAY PARTICIPATE IN ALL MATTERS COMING BEFORE THE BOARD AT MEETINGS IN WHICH THEY ARE IN ATTENDANCE, BUT MAY VOTE ONLY IN THE ABSENCE OF A REGULAR MEMBER; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**7. RESOLUTIONS**

**a. Resolution 2012-01**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**8. OLD BUSINESS - *None***

**9. NEW BUSINESS**

- a. Adoption of Revisions to the Town's Finance & Accounting Procedures Manual
- b. Purchase of Equipment for C.E.R.T. – Mayor Browning (item postponed from 12-16-11)
- c. Exotics & Invasive Vegetation - Councilman Goltzené
- d. 6<sup>th</sup> Street Culvert Connection - Councilman Goltzené
- e. Appointment of FAAC Vacancy – Councilman Goltzené
- f. Planning & Zoning Board Request for Town Attorney to Attend All Meetings – Town Manager Kutney
- g. Planning & Zoning Request for Authorization to Formulate & Develop a Comprehensive Community Plan for Okeechobee Boulevard – Town Manager Kutney
- h. Manure Dumping – Mayor Browning

**10. ADMINISTRATIVE UPDATE - Town Manager Kutney**

**11. CLOSING COMMENTS**

- a. Public
- b. Town Attorney
- c. Town Council Members

**12. ADJOURNMENT**

**The next Town Council Meetings are scheduled for:**

- Saturday, January 14, 2012– Town Council/Loxahatchee Water Control District Joint Workshop –Loxahatchee Groves Elementary Cafetorium – 9:00 a.m.
  
- Tuesday, January 17, 2012 – Town Council Special Meeting – 7:00 p.m.

**Comments Cards:** Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is 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.



Town of Loxahatchee (

Town Council &

Palm Beach State College Board of Trustees

Workshop

Tuesday, November 15, 2011 at 7:00 p.m.

Palms West Chamber of Commerce – Community Conference Room

13901 Southern Boulevard

MINUTES

**1. Opening**

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:08 p.m. Present were Vice Mayor Ryan Liang and Councilmen Tom Goltzené, Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Boards and Committee Clerk Judy Rios, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance - Led by Mayor Browning
- c. Invocation - Given by Mayor Browning

**2. Mayor's Welcome**

Mayor Browning welcomed the attendees, staff and supporters with an invitation to have a productive meeting tonight. Mayor Browning then introduced Dr. Dennis Gallon.

**3. Palm Beach State College**

- a. **Introduction** – Dr. Dennis Gallon introduced the Palm Beach State College Board of Trustees William Berger, Esq., Chairperson, David H. Talley, Vice Chairperson, John F. Dowd, III, Wendy S. Link, Esq., Carolyn L. Williams, and Ariella N. Klein, Student Trustee.

Dr. Dennis Gallon mentioned that Palm Beach State College was committed to serving the educational and the training needs of this community, to move forward in becoming a permanent presence in this community area, and was committed to preserving the natural environment and establishing a presence as a good neighbor.

## **b. Project Approach & Conceptual Design – Zyscovich Architects**

Colleen Walters with Urban Design, Planning Consultant for the Palm Beach State College, gave a brief summation of their due diligence, site investigation and master planning methods that had been completed. Ms. Walters noted that the consultants had been working very hard on knowing the property and preparing an analysis of the property to make sure that there was nothing that would prohibit the college from moving forward with this site.

She then introduced the Campus Master Planners Bernard Zyscovich, Jose Murguido, and Jorge Perez of Zyscovich Architects.

Mr. Zyscovich discussed what drove their philosophy and planning process. To find what is unique and authentic about the place and build the master plan around it. He noted that the intent of the college was an “open campus”. The entire campus feels like an open space and welcoming place.

Mr. Murguido went through the presentation of past projects in the surrounding area. He noted that this campus would be very rural in its character because it will turn out to be less than 10% of the building footprint that exists in other rural campuses. This campus was 75 acres, and the FAR was .2 with a building footprint of five (5) to seven (7) acres. The site would require 15 acres of wet retention and five acres of dry retention. The evolution would be a long-term development process of 50+ years with six phases. Development of the campus around basic plan principles and collaborate with community in using and protecting the natural resources of the area. He then turned the presentation over to Ms. Walters to discuss the vegetation on the project site.

Ms. Walters discussed some of the items that were brought up at the September Workshop, the desire of the Town Council to make sure that the rural character of the area and the property owners on the north side of Collecting Canal Road were continued and preserved. The majority of the vegetation along the northern edge of the property and especially along the western perimeter was primarily native vegetation – canopy of very mature slash pine, oak trees, etc. Ms. Walters believed that a minimum 50’ area was appropriate and adequate screening, so that the property owners on the north side of Collecting Canal Road would not know there was any development on the other side of the vegetative screening.

Mr. Zyscovich discussed the issue of no particular zoning within the code that was designed for a college campus or any kind of institutional.

Mr. Murguido presented the road accesses to the property off Southern Boulevard and B Road as well as pointed out the community benefits.

### **c. Approvals & Entitlements - Josh Long & Colleen Walters, Consultants**

Ms. Walters mentioned that an issue needing to be addressed was the Comprehensive Plan and Zoning Code requirements for the property. The Town of Loxahatchee recently adopted a Comprehensive Plan Amendment on this property. The designation changed to MLU (multiple land use). As part of the approval it was specific as to what the uses could be and that did not include a college campus. To allow the college to locate on this property a Comprehensive Plan Amendment application would again need to be submitted and processed to change the land use to a designation that would allow for a college to locate on the site. What was proposed was that an application should be submitted to reinstate the RR-5 land use on the 75 acres that the college is going to purchase. The remaining property for commercial use was approved and received the MLU would get either a CL or CL-O. The RR-5 land use designation did allow for a public school; therefore, a college would be permitted. The RR-5 was the appropriate land use designation and would require that an application went before Town Council for consideration, action and ultimate adoption. The state already had an AR Zoning designation, and the AR designation also allowed for public schools. The zoning designation would not need to be amended. The zoning designation was also consistent with the RR-5 land use designation, which was a requirement of the state; so by changing the land use and retaining the AR zoning, the site would be ready for development for the college.

There was a minor issue of the Zoning Code not addressing colleges or universities. The Town Council would need to address how to recognize this land use in the Zoning Code. After speaking with Town Planner Jim Fleishman, we discussed a couple of ways to accomplish this recognition. Utilizing one of the Special Policies that was in the Comprehensive Plan may be the best approach. The Town could either do an amendment to the Unified Land Development Code or pursue variances from some of the regulations. They recommended the Town Council consider a Special Policy that would allow for the site to be developed under the state regulations that all colleges, university and educational facilities known as State Requirements for Educational Facilities (SREF). This could function as a Zoning Code.

Additionally, the other matter to come before Town Council would be the requirement for a Site Plan. Since the campus was going to be built within the next 50+ years, it was very difficult to speculate what buildings were going to look like in Phase 2 through 6. Ms. Walters requested that as part of a Special Policy, Town Council would allow the College to submit a Master Plan to the Town and this would be the controlling document for the development. It could include items such as the northern edge treatment and how that will be addressed, architectural guidelines, and it would become the blueprint for the future development of the site, but stopped short of actually showing the location of buildings and parking.

She requested the Town of Loxahatchee Groves support this campus site. This site was appropriate, and the Town would like Palm Beach State College to locate on the site. To reinstate RR-5 land use on this property would allow for land use, support special policies under

Special Policy 1.15, support the north edge treatment - 110' separation from Collecting Canal Road, and elimination of Tangerine Drive through the Palm Beach State College property.

**d. Closing – District Board Trustee Wendy Link**

Wendy Link explained how the Board of Trustees was responsible for determining the best location for their fifth and possibly the last campus for Palm Beach State College. She noted that this was very important for the Western Communities and that the Board of Trustee was not looking for the immediate needs, but the long term needs of the students and community.

**4. Open Discussion**

Mayor Browning stated that this was a public workshop and that Town Council would not be officially voting on anything. Public comments were encouraged and everyone was asked to fill out a Public Comment Card. Mayor Browning invited each Council Member to address their questions to the Board of Trustees.

Councilman Jim Rockett inquired what would be included in the Master Site Plan. His concern would be that the campus site resembled a concrete jungle. There was a lot of discussion on the buffer located on the northern end, which overshadowed the discussion on the southern end. He noted the benefit to the town in bringing in jobs to the area and asked for clarification on the 15 acres of wet retention and five (5) acres of dry retention. Councilman Rockett inquired on using property north of Southern Boulevard for storm water retention for the community.

Councilman Ryan Liang stated that he believed the Town Council supported having the campus located in Loxahatchee Groves, was willing to look into reinstating RR-5 Land Use and going to State Regulation as long as Town Council was still involved in the vision or guidelines. He expressed concerned about the buffer and Tangerine Drive. Tangerine was planned to go along the southern border. The Town could move Tangerine closer to Southern Boulevard. He felt that the negotiations were moving along and the parties could work something out on those 2 (two) issues.

Councilman Ron Jarriel supported the first three (3) of the five (5), but the north edge buffer expressed his concern with the height of the buildings, but that it could be discussed during the Master Plan. His other concern was regarding the 300'. The 300' was going to be for a commercial development and he understood that Palm Beach State College did an excellent job at maintaining things natural, but would need to discuss the 50' vs. 300'. He wanted to definitely move forward. He had some concern for the residents on the north side of Collecting Canal Road. He said a college in the Western community was needed. He believed this would pull all the western communities together. Town Council had the opportunity to put something back into Palm Beach County that would give us jobs, economy, value of property, etc.

Councilman Tom Goltzené enjoyed the presentation and agreed with many of the Board of Trustee's goals. He noticed in the presentation that there seemed to be a misunderstanding of the purpose of the buffer. The buffer was an addition to, not as an alternative to, the other types of mitigation, water retention, native land preservation that was required otherwise in the ULDC. When we did get to the Site Plan, it was going to be a dedicated property – not yet been worked out – for the purpose of a park for the Town. When MLU proposal was brought to Town Council, there was to be a park on the north and a main street, no intense development. Developers told the Town that we were going to receive real estate tax revenue and the main street; and in addition to the main street, there was going to be a joint responsibility on the part of the two (2) properties on either side of B Road to pave B Road from Southern Boulevard to Okeechobee. That has conspicuously not been addressed tonight. He noted the he had heard the recommendations of changes but heard to leave alone the out parcel - give you the buffer, give you the real estate tax and then leave the commercial property that has all those benefits that is grandfathered into the process – they would get commercial designation. We made a deal with the Simons in which we agreed to do “x” for them doing “y”. There were 4 (four) tangible things that we were suppose to receive that are now greatly curtailed or completely non-existent. Those issues need to be addressed in a way that was equitable for the Town. He said he could not currently support it, but would work with the College. Great presentation, but there were issues we need to work on. One in particular, was the .20 FAR was doubled of what I saw was in the chart for the other campus areas. Not sure if this was an error or if there was a reason why this was higher than what was in Palm Beach Gardens or the other campuses. In regards to State regulations vs. the Town's regulations, Councilman Goltzené said he would like to see a study that showed the differences without having to read this presentation. In regards to the paving of B Road, there were going to be two (2) developers that were going to be responsible. He said he would like to hear how Palm Beach State College was going to part of that development. If Town Council gave Palm Beach State College the approval to go ahead, he did not hear when B Road was going to be paved and by whom.

Ms. Walters addressed some of the comments. This was a new deal and Palm Beach State College was not involved in the last iteration of the land use amendment. When the Simons brought this property to Palm Beach State College for consideration, after reviewing many properties, Palm Beach State College ranked this property as #1. The College recognized that this was a new set of circumstances and was exactly what mandated the fact that this site would have to go back through a future land use amendment through the Town. Palm Beach State College would only be contracting to purchase a portion of the property, but the whole property would have to be reviewed as a part of the land use amendment. The Town Council would be reviewing both the request to reinstate the RR-5 as well as the request to grant CL/CL-O designation on the corner piece. There would not be an MLU anymore; it would be extinguished. The 75 acres that Palm Beach State College would be purchasing would have the RR-5 land use. The 20+ acres on the corner would have the CL/CL-O. It would come in as one application for the Town Council consideration. There will be multiple uses for the property but not processed as an MLU due to the fact that Palm Beach State College will own and use their piece of

property and the commercial developers will own and operate their piece of property. There would be joint agreements for access, drainage, utilities. In regards to the paving of B Road, the College understood that it would be a requirement for both Palm Beach State College and the commercial property owners as well as a requirement on the piece of property on the east side of B Road. An agreement would be required by all of the property owners to do the paving improvements.

Councilman Tom Goltzené expressed concern that with the three (3) property owners, paving was not going to get done until the last development was completed. Traffic was a big concern and paving should be addressed sooner rather than later. He said the Town Council preferred action rather than promises and expressed concern that it was the greenest spot in the Town and the parties were going to kill trees.

Ms. Walters addressed the park dedication recognizing that this was a different set of circumstances. The Town was getting 75 acres of community serving use. With the State financing that Palm Beach State College received, it cannot buy a property and dedicate it to another entity. It can offer an open campus, so the natural areas that were preserved could become available to the public – the library was accessible, computers and meeting rooms.

Ms. Link mentioned that she understood the frustration and was sympathetic, but Palm Beach State College did not make the previous promises but was willing to work with the Town to get back to what Palm Beach State College thought it was getting. The College would work to accommodate access, drainage, etc. for the neighboring parcels. In regards to the four (4) things the Town was promised, Palm Beach State College did not make those promises. Instead, the College was making different promises that would benefit the Town. In regards to the 300' buffer vs. the 50' buffer, she said that the College thought it was getting it. Those acres were a loss of useable space. The reason 75 acres worked for the College was because, it needed 75 acres – it wanted green space, a park and recreational fields that the community and students could use, but the College cannot do without the 300' buffer.

Mayor David Browning wanted to have Palm Beach State College as our neighbor and considered it a great asset to the community. In regards to B Road, he noted that the agreement was with the Simons. His concern was with the buffer and the residents living north of Collecting Road.

He believed that both parties could work together and wanted the 300' buffer to look natural not like a parking lot and buildings. Mayor Browning said he liked the idea that the campus would look like a park. In regards to Tangerine, he said it never was the intent to have a two (2) to (3) mile long commercial stretch through the Town that could go on the Simon's 20+ acre commercial parcel.

Mr. Zyscovich clarified that without knowing what the future held in regards to campus life, cars, parking lot, etc., Palm Beach State College did not want a "set" number of 50' or 300', but

rather wanted clarity for a number (same as the RR-5 number) that was the minimum with the clear understanding that over time or decades would allow the College the flexibility of possibly saving trees and putting something else in there like surface parking. Palm Beach State College's concern was getting constrained into a "straight jacket" and getting accused of not doing something that it agreed to do or argument that becomes unnecessary. The intent was to have as much buffer as possible that was as thick as possible, but have the flexibility when the College was creating this space.

Ms. Link was willing to discuss obtaining an average minimum of 50' and never going to the property line. Mayor Browning requested further discussion to make sure that the residents on that road were not looking into something that was not attractive.

Ms. Walters mentioned that the updated survey commissioned by the Palm Beach State College indicates that all of Collecting Canal Road was outside of the 60' right-of-way.

Councilman Ron Jarriel mentioned that the 60' right-of-way that Mr. Saunier of the Water Control District said that it included the canal and right-of-way, the water control easement. It had nothing to do with Collecting Canal Road. This was where Palm Beach State College could have input to the developer who was selling the property. B Road had always been Councilman Jarriel's priority. He said he was tired of taxpayers and citizens waiting until last to get what they deserved. B Road from Okeechobee to Southern Boulevard needed to be safe. The Town of Loxahatchee Groves wanted to have B Road paved and the developer to stand by what it agreed to already. Palm Beach County approved their commercial development this was a requirement -- to pave B Road from Okeechobee to Southern Boulevard. The County supported the Town on the paving of B Road, and the Town wanted to hear from the developers, even though the College was not aware of this requirement. He did not have a problem with Tangerine as it did not go into the college, but in regards to it going across the entire property, did not think it was necessary especially if it is cutting across the college.

Councilman Jim Rockett requested a follow-up on a couple of things and a consensus from Town Council. The idea of Tangerine running through the entire property was not necessary. The Town understood that the College was not breaking agreements, but the College was hearing from Town Council the concerns they were facing. In regards to the 300' of buffer, the parties can work together and through these things.

Mayor David Browning asked the Board of Trustees if it had any questions for the Town.

Dr. Dennis Gallon stated that working with the community was what this is all about.

## 5. Public Comment

Bill Louda, 300 "E" Road, had been to all of Palm Beach State's campuses and considered the campus located on FAU one of the "prettiest places" on the FAC property. The College was a very good neighbor down there and suggested the Town consider a 2-story building and 2-story parking graded down to 1-story at the north. He said he was against Tangerine going all the way to western border because that shot Tangerine right into Indian Trails.

Dennis Lipp, North Road, said that the College and the Town could be good neighbors. Having the Rural Vista Guidelines followed throughout the campus would be positive for what the community wanted to look like. The residents did not want traffic traveling on Southern Blvd to see a sea of parking lots. Instead, they would like to see a buffer and the stores in back of the stores. Tangerine will meander through the Town. The Linear Park idea was a worthwhile idea. If the College took the green space coming off of Phase III and average that all in together, the College would probably have the 15 acres. Ms. Walters clarified that it was the intent to use some of the provisions of the Rural Vista Guidelines, but not all of the requirements of the Rural Vista Guidelines.

Nina Coming, E Road, expressed great concern for "green" building and something that worked with the environment. The movement of being part of the environment and teach these kids, being more organic. What I would like to see as part of us.

John Ryan, 3508 A Road, noted that the Simons were not balancing some of the major issues of the Town Council and Palm Beach State College. The fact was that they were receiving significant payment for 75 acres of speculative development land. The Simons did not inform Palm Beach State College that 15 acres would be for a possible buffer and getting commercial opportunity on 22 prime acres. He requested to see their active role in financing the B Road improvements and possibly buying some mitigating land on the south end of Collecting Canal Road. Their project was speculative in the future, and they were capitalizing on a commercial value of land much in excess of conventional land sales in this community. The 22 acres they reserved had now become more realistic valuable commercial property. He saw the Simons as part of these negotiations and hoped that the major concerns of the Town, mitigated lands to provide for a linear park, buffer, the paving of B Road became more the responsibility of the Simons rather than a burden for Palm Beach State College.

Grace Joyce, 3886 147<sup>th</sup> Avenue N, as a resident, planner & member of the Town's Local Planning Agency, said she was glad to see that we are going back to what this property was originally zoned and the land use. She said she was against the Mixed Land Use and noted the importance that everyone understood that any parcel that came in adjacent to Connecting Canal Road that had the RR-5 there was a 50' buffer required by our Comp Plan. What Palm Beach State College is proposing to build is what we are, you build it, maintain it and we get to use it. This is a subdivision first and as part of this subdivision we can put in some standards that prior to developing, they must do some improvement to B Road first. The persons making the money have a responsibility to the Town because they are benefitting from this improvement. Mr.

Zychovich mentioned that this is a diagram of intention. Palm Beach County School goes by the state plan/guidelines. As a courtesy to the municipalities, they do public hearings and sit down with the community and review the proposals. I suggest that we do this; we don't want to add other regulations and review requirement that the Town would have to do but we do want to see what they are going to build is consistent with the Town over the next 50 years.

Bob Bentz, Land Design South, noted that for 2½ years we had worked with the Town of Loxahatchee Groves on this comprehensive plan amendment. In September of 2010, we brought comprehensive plan amendment to the Town at the Workshop. The buffer ranged from 100' to 300'. Mr. Bentz said he never heard the word from the College. The concept was commercial along Southern Boulevard with residential of 19 homes behind it and linear park buffer area. Ultimately, this was approved with the Comprehensive Plan Amendment. When I was asked by Town Council about the rumors of the College going on this property, he said that if the Simons agreed to sell the property, if the college agreed to purchase the property, and if the Town agreed to allow them to build a facility on this property, there would be a college on this site. And if not, there would not be a college on this site. With the College now coming in and stating that it cannot dedicate 15' acres of the property to a buffer, but instead it was giving 75 acres of a Community Serving Facility. As a planner, he believed that was a great trade off. If the Town decided that the College needed the linear park, the College will say that they would not be able to go on the property. The college would go somewhere else, the Simons and MLU will remain and proceed for development plan. Honest discussion between what the Town was looking for and the College. We are not changing the rules of the game just coming in with a new and better proposal for development at that site. In regards, to the B Road, it remains our intent to construct at beginning at the project.

Frank Schiola, residence for 15 years, said the college was a good idea. It will have opportunity to expand its educational classes with vet classes since we are an equestrian area. He said he did not think that the 50' buffer will not work. He suggested getting feedback from residents in that area as they would have to live with the decision. Speaking from a standpoint of the Water Control District Supervisor, we addressed B Road intersection issues. He said he was looking for a commitment from the College and the Simons that they were going to take care of intersection improvements and the pavement of B Road. He noted that the Town Council was willing to work with the College, but as a community, it needed to know that there was some commitment from the College to address some of these concerns.

Mayor David Browning mentioned that there would be a separate meeting with Water Control Board, the College and the Town. We have a commitment from Mr. Bentz and the property owners that they were going to do B Road all the way to Okeechobee Blvd. He said he did not expect to make any decisions tonight nor the Board Trustees. This was a workshop about hearing each other out to address in the future. He then requested any comments by the Board of Trustees.

Ms. Link asked questions to her consultants in regards to the couple million dollar improvements on the intersection.

## **6. Wrap-Up**

Mayor David Browning thanked the Board of Trustees for coming out and indicating that he would love the College as a neighbor and believed it would be a real benefit for our community based on mutual respect and working together.

Councilman Jim Rockett asked if progress was made.

Carolyn L. Williams felt encouraged by a number of comments from Town Council and said she looked forward to working with them. We all agree that this would be an asset to the community. The College has history of being excellent partners.

Dr. Dennis Gallon inquired what the strategy was in moving forward. Is it Board of Trustees to Town Council or sit down with a group to discuss some of the issues?

Mayor David Browning requested a response from Legal Counsel Mike Cirullo.

Town Attorney Cirullo stated that at this stage, if the College felt it got what it needed and was going to move forward, the Town would sit down with their consultants and our consultants to put together the applications that were discussed earlier for the comprehensive plan and the zoning or SREF. He believed that the Board of Trustees wanted to go through this process to understand the expectations of the Town prior to making the final decision and signing the final contract and purchase the property.

Ms. Link indicated that as the property liaison and having attended a lot of the meetings, she wanted the Town to understand what the five (5) points meant to the College. She encouraged that we can have a great working relation but I am also concerned. Time was of the essence. We tried to understand the concern of the 50' vs. 300' buffer and addressed that issue. But was now hearing the issue with the 1.15 Objective and did not know if concerns could be met because the State Educational Standards would not allow it.

Councilman Ron Jarriel stated that he felt that it was a good night and that the Council needed to vote on it tonight.

Town Attorney Mike Cirullo clarified that this was a workshop and a vote could not be taken on the matter at this time.

Councilman Ron Jarriel requested a consensus tonight, so that we can schedule a meeting to vote on it and finalize this matter.

Mayor David Browning requested that the College's committee meet with the Town's Planning & Zoning Board to come back with some suggestions. If you need a consensus was needed, the Town Council could provide it.

Ms. Link stated that she understood, but it would give the Board of Trustees a good feel of where the parties with these five (5) issues.

Mayor David Browning believed it was the following two (2) items: (1) work together to get an average of the buffer across the top because the Town was getting a park; and (2) the 1.15 Objective – State Regulation for Education Facilities (SREF).

Ms. Zyscovich clarified that with SREF there was no option for the College and it had to comply.

Mayor David Browning requested response from Council Members.

Councilman Jim Rockett's response was that 1, 2 and 5 were OK, 3 was a work item, and with 4 gather all green space, buffer that was a park. He said he did not see any "sticky" points.

Councilman Ryan Liang requested work on the buffer and to obtain a minimum of 50' undisturbed.

Councilman Ron Jarriel stated that he could live with all 5.

Councilman Tom Goltzene's thoughts relative to the buffer was that he understood what the College was saying regarding the average, but wanted to make the point one more time that the buffer was over and above what would otherwise be required. The buffer was supposed to be 15 acres undisturbed and other requirements for drainage, natural preservation that already existed. His thought was that it was a 75 acre site that was going to be more than 15 acres of green open space. If that was the case, he said he was not opposed to it but would need an explanation, not tonight, but from staff relative to the support for special policies under Policy 1.15.

Mayor David Browning had no problem with the 5. It would be an area that would be wonderful to take a walk in, for community use and would be maintained well.

## **7. Adjournment**

The meeting was **adjourned** at 9:56 p.m.

**These minutes were approved by the  
Town Council on Tuesday, January 3, 2012.**

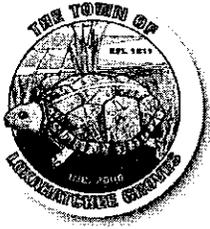
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Judy Rios, Boards & Committees Clerk

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David Browning, Mayor

SEAL



# Town of Loxahatchee Groves

## Special Meeting Town Council

Tuesday, November 15, 2011

Palms West Chamber of Commerce – Community Conference Room  
13901 Southern Boulevard

### MINUTES

#### 1. Opening

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 10:01 p.m. Present were Mayor David Browning, Councilmen Tom Goltzené, Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Boards & Committees Clerk Judy Rios, and Town Attorney Michael D. Cirullo, Jr.

#### 2. Resolution:

- a. Resolution No. 2011-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Manager Kutney provided an overview of the resolution.

**Motion:** Councilman Jim Rockett moved to **discuss** Resolution No. 2011-17. Councilman Ryan Liang seconded the motion.

**Discussion** followed regarding the need to adopt the revised budget within the 60 day deadline of December 1, 2011. In reviewing the September 30, 2011 financials, it was noted that several accounts were over budget as well as several misclassifications of both revenues and expenditures. It was noted that Bill Underwood, Underwood Management Services, will need to make additions to the September Financials with the Town Manager authorized to do the final adjustment.

**Motion:** Councilman Jim Rockett moved to **approve** Resolution No. 2011-17. Councilman Ryan Liang seconded the motion, which passed unanimously. (**Motion carried 5-0**).

### 3. Comments

- a. Public - *None*
- b. Town Council Members - *None*

### 4. Adjournment

The meeting was **adjourned** at 10:08 p.m.

**These minutes were approved by the  
Town Council on Tuesday, January 3, 2012.**

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Judy Rios, Boards & Committees Clerk

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David Browning, Mayor

SEAL



**Town of Loxahatchee Groves**  
**Regular Town Council Meeting**  
**Tuesday, December 6, 2011 at 7:00 p.m.**  
Loxahatchee Groves Water Control District, 101 West "D" Road

**MINUTES**

**1. Opening**

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:02 p.m. Present were Mayor David Browning, Vice Mayor Liang, and Councilmen Tom Goltzené, Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance - Led by Mayor Browning

- c. Invocation - Given by Mayor Browning

- d. Additions and Deletions

Councilman Rockett requested the following two (2) items added to 8. Old Business: 1) Capital Improvement: Trimming the Brush on Non-District Roads; and 2) Road Progress of Water Control District. Mayor Browning requested Item 9a. Purchase of Equipment for C.E.R.T. be postponed until January 3<sup>rd</sup>.

- e. Approval of Agenda

**Motion:** Vice Mayor Liang moved to **approve** the Agenda as amended. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

- f. Swearing In of the Planning & Zoning Board Members

Town Attorney Michael D. Cirullo, Jr. swore in the following members: Veronica Close, Robin Crawford, Keith Harris, Grace Joyce, and Dennis Lipp. Lawrence Corning was not present and Fred Schriefer resigned.

Dennis Lipp suggested the Planning & Zoning Board be involved in the development of Okeechobee Boulevard and bring a format to the Town Council for consideration.

## 2. Consent Agenda

- a. Approval of Minutes: November 1, 2011
- b. Invoices – Goren, Cherof, Doody & Ezrol, P.A. for November 2011
- c. Palms West Presbyterian Church Request for Town Council Approval Related to the Connection of New Potable Water Service with Palm Beach County
- d. Resolution No. 2011-019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEATS 1 AND 3 PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 13, 2012, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 31, 2012 AND CLOSES PROMPTLY AT 12:00 NOON ON FEBRUARY 7, 2012; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6080; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; APPOINTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO THE TOWN'S CANVASSING BOARD TO HANDLE ALL MUNICIPAL ABSENTEE BALLOTS AND TO REPRESENT THE TOWN OF LOXAHATCHEE GROVES AT ALL LOGIC AND ACCURACY TESTS OF THE OPTICAL SCANNING VOTING EQUIPMENT PRIOR TO THE MUNICIPAL ELECTION; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

**Motion:** Councilman Rockett moved to **approve** the Consent Agenda. Vice Mayor Liang seconded the motion, which passed unanimously. **(Motion carried 5-0).**

## 3. Presentations

Councilman Jarriel presented a plaque and read a thank you note from the Drowning Prevention Coalition of Palm Beach County and Palm Beach County Fire Rescue Volunteer Battalion for the \$500 donation towards the charity golf tournament.

Mayor Browning announced a holiday event on December 9 – 11<sup>th</sup> at the Old Schoolhouse and asked to give recognition to Roxy.

## 4. Committee Reports

- a. Finance Advisory & Audit Committee (Meeting 11-18-11)

Vice Chair Elise Ryan reported the following:

- Received new 2011 Budget Book.

- No reclassifications.
- \$74,000 in revenues, \$49,000 in expenses.
- Created new encumbrance column.
- No individual items were over budget; however, some outstanding invoices were being charged to 2011.
- All planning and zoning invoices were charged to development accounts. Town Management to streamline the process.
- PB State College – no account for planning & invoices.
- Discussion about “government light”.
- Account changes made conforming to the Uniform Chart of Accounts.
- Millage documents were not into compliance, but the issue had been resolved.
- Transfer of financial records for 2011 had not occurred. 82 entries made by Town Management. Charge to Town due to not being included in the RFP in contract. Closing out FY 2011.
- Received updated accounting procedures manual.
- Town Management suggested an RFP for banking services and will prepare for Committee at the next meeting for its approval on Monday, January 23<sup>rd</sup>.

1. Approval of the Final Budget Including Accruals - FY 2011

- a. Final Budget – September 2011
- b. Revised Balance Sheet & Trial Balance – September 2011
- c. Revised General Ledger Detail – September 2011

**Motion:** Vice Mayor Liang moved to **approve** the Final Budget Including Accruals - FY 2011. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

2. Approval of October Financial Statement – FY 2012

- a. Financial Activity Report – October 2011
- b. Budget vs. Actual – October 2011
- c. Bank Reconciliation – October 2011
- d. General Ledger Detail – October 2011

**Motion:** Councilman Rockett moved to **approve** the Final Budget Including Accruals - FY 2011 and the October Financial Statement – FY 2012. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 5-0).**

**5. Public Hearings - Ordinances 2<sup>nd</sup> Reading - None**

**6. Ordinances - 1<sup>st</sup> Readings – None**

**7. Resolutions**

a. Resolution No. 2011-018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING A SITE PLAN AMENDMENT FOR THE FIRST SEVENTH DAY ADVENTIST CHURCH OF LOXAHATCHEE GROVES, CONTROL NO. SP(A) 2011-001; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AND EFFECTIVE DATE.

Town Attorney Michael D. Cirullo, Jr. noted that this was a quasi-judicial hearing and swore in those giving testimony. He then read the resolution title and noted that the Staff report was being made part of the record.

Chris Barry, John Schmidt & Associates, noted that the plan was previously approved by the Town Council in 2008, but there were some minor changes. He provided a brief overview and answered questions posed by the Town Council. Jim Fleischmann, Town Planner, provided an overview and noted that Planning & Zoning Board voted in favor of the resolution 5-0.

Public Comment

Grace Joyce, 3886 147th Avenue N, suggested the Staff present first, then the applicant. She requested a Powerpoint presentation from the applicant, so the Public could be more informed. Ms. Joyce agreed with the Town not having a plan for Okeechobee Blvd. and suggested including an equestrian trail.

**Motion:** Councilman Jarriel moved to **approve** Resolution No. 2011-018. Vice Mayor Liang seconded the motion. In a roll call vote, all voted in favor of the motion with the exception of Councilman Goltzené who voted in the negative. **(Motion carried 4-1).**

**8. Old Business**

a. Capital Improvement - Trimming the Brush on Non-District Roads

Councilman Rocket requested the Town look into the service and/or the purchasing of equipment Councilman Goltzené, Councilman Jarriel and Mayor Browning expressed in favor of finding out the cost of services. Vice Mayor Liang provided an overview of the service he received for his parents' property. Councilman Goltzené highly recommended that roads needing this service be determination and a calculation of the mileage.

John Choquette, C & C Loader, noted fiber optic cables along the road and that he was looking into some equipment options.

Frank Schoila, solid waste contractor, spoke about two (2) companies in the Orlando area that provided these services and other related farm services, but were not available to visit the Town. He said he was not in favor of purchasing equipment.

Following discussion, Town Manager Kutney was directed to research the cost of services and report back at the January 3, 2012 meeting.

Clete Saunier, LGWCD, noted that there were certain roads that were overgrown and that equipment could not get into roads. He suggested having someone with a chainsaw.

b. Road Progress of Water Control District

Mr. Saunier reported that an RFP was to be advertised for the placement of OGEM on all district roads February through May 2012. He noted that road signs would be posted during the project directing traffic.

**9. New Business**

a. Purchase of Equipment for C.E.R.T. – *(postponed until January 3, 2012)*

b. Noise Measurement Certification

Councilman Jarriel spoke about the availability of the noise measurement device and suggested one (1) or two (2) more people be certified. He reported a cost of \$595 per seminar for 10 people. Town Manager Kutney explained that these people would be a witness for code enforcement violations and would need to work with police officials.

Frank Schiola, Solid Waste Contractor, spoke about the noise measurement certification. He suggested an after-hours call line for emergencies only.

Dennis Lipp, 13402 North Road, spoke about a City of Port St. Lucie ordinance regarding low base noises, giving police officers the ability to respond.

Todd McLendon, 3481 D Road, spoke in favor of having the right people for the certification.

Town Manager Kutney said he would look into researching the cost and securing of additional training. He noted that the certified person's testimony would be solicited for special magistrate hearings.

**Motion:** Councilman Jarriel moved to come back with a plan at his flexibility. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

**10. Administrative Update**

Town Manager Kutney reported the following:

- Folsom Road – located in our corporate limits. Town has the authority to take down “No Through Trucks” sign on the two (2) lane road.

**Motion:** Councilman Jarriel **moved** to remove the sign on Folsom Road. Vice Mayor Liang seconded the motion.

Frank Schiola, resident and solid waste contractor, spoke on the issue.

All voted in favor of the motion. **(Motion carried 5-0).**

- Yee's Corporation Office Lease – Executed with a 2 year agreement
- FDOT Public Workshop – Binks Forest Country Club – Open House at 6:00 p.m. Thursday, December 8<sup>th</sup>.
- First meeting of the Roadway, Equestrian Trails & Greenway Advisory Committee on December 12, 2011, 7:00 p.m. at Town Hall Conference Room.
- Finance Advisory & Audit Committee Vacancy Deadline of December 16<sup>th</sup> – One (1) resume of interest had been received.
- Planning & Zoning Board Vacancy - Fred Schriefer resigned.
- Roadway, Equestrian Trails & Greenway Advisory Committee Vacancy – Maurette Hanson resigned.
- PBC County Holiday Schedule – By consensus, the Town Council **agree** to follow this schedule.
- Special Magistrate Hearing took place on November 16<sup>th</sup> and continued to November 22<sup>nd</sup>.
- Town Council and Loxahatchee Groves Water Control District Joint Meeting was scheduled for Saturday January 14<sup>th</sup> Joint at the Loxahatchee Groves Elementary School Cafetorium.

It was noted that two (2) members of the District cannot make the meeting. Other dates that were available include: 7<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup>. By consensus, the Town Council **agreed** to keep the date for January 14<sup>th</sup>.

The District was interested in hiring a professional facilitator to manage meeting and share the cost. **Motion:** Councilman Jarriel **directed** Town Manager Kutney to pursue a facilitator. Councilman Rockett seconded the motion. All voted in favor of the motion with the exception of Vice Mayor Liang and Councilman Goltzené who voted against the motion. **(Motion carried 3-2).**

**Motion:** Councilman Goltzené **directed** Town Attorney Cirullo to outline the process for possible town-district merger and to give legal direction on the possible problems. Councilman Rockett seconded. **(Motion carried 5-0).**

- The Newsletter was mailed on December 2<sup>nd</sup>.
- 148<sup>th</sup> Terrace North Bridge – Engineer reported that contractor performed a good job.
- HB7207 – Growth Management and Planning Laws – Automatic two (2) year waiver after 2012. \$76 fee – intention is to use the county’s form and fee to offset. There were no objections.
- Planning & Zoning Board Request – Alternates would like to participate in discussion; however, the current ordinance does not provide for this. **Motion:** Councilman Goltzené moved **amend** the ordinance to include “The Town of Palm Beach Method” with alternates being allowed to participate. Vice Mayor Liang seconded the motion. **(Motion carried 5-0.)**

Town Manager Kutney reminded Mayor Browning to discuss the school bus stops under his report.

## 11. Closing Comments

### a. Public

Marge Herzog, A Road, regarding the Town-District merger, she asked if Wellington was contacted. She suggested talking to others on the Board and that the Palm Beach County Commission needed to be involved in the process. She inquired about the wires on Okeechobee and F Road. Ms. Herzog suggested that the sign on Folsom Road be kept with the spare signs to use for replacing the unsightly ones. She requested to firm up B Road due to the large amount of sand.

Frank Schiola read a letter from the Loxahatchee Groves Elementary School regarding the recent donation from the Town. He noted that Underwood Management Services also made a donation. Mr. Schiola recognized Mayor Browning and Sharyn Browning for reading *llama, llama, red pajama*. He announced that Career Day was scheduled for December 16<sup>th</sup>.

### b. Town Attorney Comments - Merry Christmas, Happy New Year.

### c. Town Council Members

**Councilman Rockett** requested to add the following to tomorrow's IGC meeting: discussion of speed bump issue included in resurfaced roads. He wished everyone a great Merry Christmas and Happy Holidays.

**Vice Mayor Liang** wished everyone a Happy Holidays and noted that he was the 1<sup>st</sup> person to use the Culvert.

**Councilman Jarriel** thanked everyone for attending the meeting and encouraged everyone to enjoy the holidays.

**Councilman Goltzené** wished everyone a Merry Christmas, Happy New Year

**Mayor Browning** wished everyone Happy Holidays.

Town Manager Kutney reminded the Town Council to bring an unwrapped toy to the Tri Cities Barbeque on Friday.

## **12. Adjournment**

Councilman Rockett moved to **adjourn** the meeting at 9:29 pm. Councilman Goltzené seconded the motion, which passed unanimously. **(Motion carried 5-0).**

**These minutes were approved by the  
Town Council on Tuesday, January 3, 2012.**

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Janice M. Moore, Town Clerk

---

David Browning, Mayor

SEAL

**Invoices from Goren,  
Cherof, Doody & Ezrol,  
P.A.**

GOREN, CHEROF, DOODY & EZROL, P.A.  
Attorneys at Law  
3099 East Commercial Boulevard  
Suite 200  
Fort Lauderdale, Florida 33308  
Telephone (954) 771-4500

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12/21/2011

ACCOUNT NO: 70240-0R  
STATEMENT NO: 61

TOWN OF LOXAHATCHEE GROVES  
Att: Mayor Dave Browning  
14579 Southern Boulevard  
Suite 2  
Loxahatchee FL 33470

General Matters

*MDC*

		HOURS
12/01/2011		
MDC	Telephone conference with MK, JM on agenda items; review status of miscellaneous development matters.	0.40
12/03/2011		
MDC	Review materials for 12/06/11 meeting.	0.50
12/06/2011		
MDC	Miscellaneous telephone conference with Jan Moore, Council members; prepare for and attend Council meeting.	4.60
12/07/2011		
MDC	Review materials from 12/06 Council meeting; telephone conference with B. Seymour, review status of escrows; update B. Richardson on culvert.	0.50
12/08/2011		
MDC	Review issues with cost recovery; review correspondence on management transition items; review code enforcement issues.	0.90
12/12/2011		
MDC	Telephone conference with MK on Equestrian Board meeting; review materials for sunshine law, ethics; attend Advisory Committee meeting.	2.10
12/13/2011		
MDC	Miscellaneous telephone conference with Council regarding pending items; review correspondence on zoning matters.	0.30
12/15/2011		
MDC	Review materials, election inquiries; meet with MK, JM on agenda items for January 3, 2012 meeting, pending items.	2.00

TOWN OF LOXAHATCHEE GROVES

General Matters

		HOURS		
12/16/2011	MDC	Review correspondence regarding elections; review resolution for budget amendment, provide comments to Perla; miscellaneous telephone conference with council members on pending matters.	0.70	
12/19/2011	MDC	Prepare Planning & Zoning ordinance; review correspondence on status of 148th Street culvert; telephone conference with Mark Kutney.	1.20	
12/20/2011	MDC	Revise P&Z ordinance, review correspondence on culvert payment, prepare letter to B. Richardson.	0.70	
FOR CURRENT SERVICES RENDERED			13.90	<u>2,571.50</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	13.90	\$185.00	\$2,571.50

TOTAL CURRENT WORK 2,571.50

BALANCE DUE \$2,571.50

GOREN, CHEROF, DOODY & EZROL, P.A.  
Attorneys at Law  
3099 East Commercial Boulevard  
Suite 200  
Fort Lauderdale, Florida 33308  
Telephone (954) 771-4500

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12/20/2011  
ACCOUNT NO: 110489-OR  
STATEMENT NO: 2

TOWN OF LOXAHATCHEE GROVES  
Att: Mayor Dave Browning  
14579 Southern Boulevard  
Suite 2  
Loxahatchee FL 33470

Palm Beach State College

		HOURS	
12/15/2011	MDC	Review materials, attend meeting with Palm Beach State College on process, status of application, project.	2.50
		FOR CURRENT SERVICES RENDERED	2.50
			<u>462.50</u>

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	2.50	\$185.00	\$462.50

TOTAL CURRENT WORK 462.50

BALANCE DUE \$462.50

*(Handwritten signature)*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

GOREN, CHEROF, DOODY & EZROL, P.A.  
 Attorneys at Law  
 3099 East Commercial Boulevard  
 Suite 200  
 Fort Lauderdale, Florida 33308  
 Telephone (954) 771-4500

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 12/20/2011  
 ACCOUNT NO: 100483-0R  
 STATEMENT NO: 4

TOWN OF LOXAHATCHEE GROVES  
 Att: Mayor David Browning  
 14579 Southern Blvd., Ste. 2  
 Loxahatchee FL 33470

Day Property

		HOURS	
12/12/2011	MDC	Review application materials; telephone conference with JF; review statutes and cases on review/adoption process.	0.80
12/17/2011	MDC	Review staff report and analysis; review and comment on proposed ordinance; review draft notice.	1.00
		FOR CURRENT SERVICES RENDERED	1.80 <u>333.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	1.80	\$185.00	\$333.00

TOTAL CURRENT WORK 333.00

BALANCE DUE \$333.00

*(Handwritten signature: MDC)*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

**Item 6a.**  
**Ordinance 2012-01**  
**Staff Summary**

**TOWN OF LOXAHATCHEE GROVES**  
**TOWN COUNCIL AGENDA**  
**January 3, 2012**

**AGENDA ITEM STAFF SUMMARY: ORDINANCE 2012-01**  
**SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT 11-1.2(SS)**

*Project Name:* Day Property

*Agent:* Urban Design Kilday Studios

*Applicant:* Willie and Frankie Day

*Owner:* Willie and Frankie Day

*Parcel Control Number (PCN):* 41-41-43-17-01-633-0010

*Project Location:* Southwest Corner of Okeechobee Blvd. and Folsom Road

*Size of Property:* 9.30 acres

*Present Land Use Designation:* Rural Residential 5 (RR5)

*Existing Use:* Single-Family residential; 2,000 sq. ft. residence

*Proposed Land Use Designation:* Commercial Low (CL) in part (4.34 acres) and Commercial Low-Office (CL-O) in part (4.66 acres)

*Maximum Development Potential Under Proposed Land Use(s):* 21,606 sq. ft. of CL space (4.96 acres x 43,560 sq. ft. per acre x 0.1 FAR); and 37,810 sq. ft. of CL-O space (4.34 acres x 43,560 sq. ft. per acre x 0.2 FAR)

**Staff Finding and Preliminary Recommendation**

Planning staff finds Future Land Use Amendment 11-2(SS) to be generally consistent with the intent and direction of the Loxahatchee Groves Comprehensive Plan. However to insure consistency with the Town's planning documents, Staff recommends approval of the proposed future land use amendment subject to the following conditions:

-1-

Staff Summary  
FLU Amendment Application 11-2(SS)

1. A unified master development plan for the entire 9.3 acres be prepared and approved as part of the rezoning process
2. Density/Intensity of development shall not exceed the following maximums: 37,810 sq. ft. of general office and related support uses and 21,606 sq. ft. of retail commercial uses.
3. Incorporate Rural Vista Guidelines, as directed by the Town Council, within the design of the development.
4. Incorporate an on-site connectivity option with the Red Barn commercial property to the west.
5. Cooperate with PalmTran to implement a bus shelter, if determined to be feasible.

#### **Local Planning Agency (LPA) Recommendation**

The LPA, at its meeting of December 8, 2011, recommended that the Council approve Amendment 11-2(SS) as presented by staff, by a 3 – 2 vote, subject to the following additional conditions of approval:

1. A plat shall be filed with the Town, including a unity of title that cannot be broken.
2. A vegetative survey, including a Slash Pine inventory, shall be completed at the time of master plan development, including identification of a Slash Pine preservation program.

#### **Revised Staff Recommendation**

Planning staff finds Future Land Use Amendment 11-2(SS) to be generally consistent with the intent and direction of the Loxahatchee Groves Comprehensive Plan. However to insure consistency with the Town's planning documents and the recommendation of the Local Planning Agency, Staff recommends approval of the proposed future land use amendment subject to the following conditions:

-2-

1. A unified master development plan for the entire 9.3 acres be prepared and approved as part of the rezoning process.
2. Density/Intensity of development shall not exceed the following maximums: 37,810 sq. ft. of general office and related support uses and 21,606 sq. ft. of retail commercial uses.
3. Incorporate Rural Vista Guidelines, as directed by the Town Council, within the design of the development.
4. Coordinate with the Red Barn commercial property to the west to incorporate an on-site connectivity option.
5. Cooperate with PalmTran to implement a bus shelter, if feasible.
6. A plat for the entire 9.3 acres shall be filed with the Town, including a unity of title that cannot be broken.
7. A vegetative survey, including a Slash Pine inventory, shall be completed at the time of master plan development, including identification of a Slash Pine preservation program.

Proposed Future Land Use Element text and map amendments are presented in Attachments A1 and A2, as well as the Staff Report.

## Staff Report Summary

### A. Adjacent Land Uses

Direction	Existing Uses	FLU and Zoning Designations
North	Okeechobee Boulevard (120-foot ultimate right-of-way). Beyond the right-of way is a single vacant 19.33 acre parcel.	Rural Residential 5 FLU and Agricultural Residential AR zoning
South	Folsom Farms, a 9.4 acre commercial landscape nursery. To its immediate south, beyond Bryan Road, are three single-family homes, on parcels ranging in size from 1.98 to 5.0 acres.	Rural Residential 5 FLU and Agricultural Residential AR zoning
East	Folsom Road. Beyond the right-of-way and adjacent canal (combined 110-foot ultimate right-of-way) is the Crestwood residential planned development located in the Village of Royal Palm Beach (Density of 5 units/acre).	Single-Family Residential FLU and RS-2 zoning (maximum of 5 units per acre) in Royal Palm Beach
West	Red Barn, a 35,000 sq. ft. retail commercial center on 4.91 acres. Beyond the Red Barn is a 10,000 sq. ft. religious facility (Acts 2) located on a 4.91 acre parcel.	Rural Residential 5 FLU and Agricultural Residential AR zoning. Legal non-conforming use (MUPD approval by Palm Beach County)

### B. Infrastructure Impacts Summary: Ref pages 5 – 10 of Staff Report

Infrastructure Service	Summary
Water/wastewater	Property served by County central water/wastewater system. Developer's Agreement in place. Capacity available.
Surface Water Management	Drainage Statement provided (Attachment E of the Amendment Application). Legal positive outfall available to Folsom Rd. canal. No issues identified.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Will execute contract with private hauler for collection.
Transportation	Traffic Analysis provided (Attachment D of the Amendment Application) which determines consistency with the Town's LOS standards. Confirmation of Applicant's conclusion received from Town's Consulting Engineer
Parks and Recreation	Not Applicable
Public Schools	Not Applicable
FIRE/EMS	Letter from Palm Beach County Fire/Rescue indicating adequate estimated response time. Meets County's LOS standard for response time

**C. Environment: Ref pages 10 – 11 of Staff Report**

Item	Summary
Natural Resources	Vegetation inventory is provided (Attachment G of the Amendment Application). Site predominantly cleared, with limited amounts of vegetation. No state or federal listed plant or animal species identified
Historical Resources	Letter from the County Archaeologist provided(Attachment G of the Amendment Application) stating that there are no known archaeological sites on or within 500 feet of the property
Flood Zone	Zone B, per FEMA Flood Insurance Rate Map Panel 50 of 245 (County). Zone B is the area lying between the limits of the area flooded by 100-year and 500-year storms

**D. Compatibility: Ref pages 11 – 12 of Staff Report**

The proposed combination of CL and CL-O Future Land Use designations, in combination with the adjacent Red Barn property provides the Town with an opportunity to establish a rural-style commercial node at the intersection of Okeechobee Boulevard and Folsom Road. Comprehensive Plan directives (Ref: Section VI. B of the Staff Report) regarding compatibility with neighboring properties and implementation of Rural Vista Guidelines directives (Ref: Section VII of the Staff Report), along with implementation of buffering and screening techniques during site plan review, can be used as the basis to insure compatibility.

**E. Comprehensive Plan Consistency: Ref pages 12 – 14 of Staff Report**

Proposed amendment 11-2 (SS) is generally consistent with the Comprehensive Plan in that the proposal will:

- Provide the opportunity for commercial development in area compatible with adjacent land uses.
- Assist in coordinating the Town's future land uses with the transportation system by locating a commercial property at the intersection of a County Urban Collector and an Urban Local Road.
- Restrict non-residential intensity (i.e. floor-area-ratio) to maximums reflective of the Town's rural character.
- Assist in providing accessible commercial, medical and professional services for Town residents, particularly in the areas north of Okeechobee Boulevard.

- Encourage economic development and employment opportunities for Town residents.
- Create energy-efficient Town land use patterns by locating commercial, medical and professional services proximate to residences.
- Not result in urban sprawl, as further discussed in Section VIII.C of the Staff Report.

**ATTACHMENT A1**  
**FUTURE LAND USE ELEMENT TEXT AMENDMENT 11-2(SS)**

1. Addition of Special Policy 1.15.3 to the Future Land Use Element which limits the uses and intensity of development to levels reflected in the Applicant's voluntary proposed development concept and incorporates the staff/LPA recommendations.

Words underlined are additions to the current text of the Comprehensive Plan.

1.15.3 Special Policy:

Land use and density/intensity of development on the property delineated as "Special Policy 1.15.3" on the Future Land Use Map, Map # FLU - 1.10, shall be regulated by the application of the following criteria: Commercial Low (CL) – Maximum of 4.96 acres/ 21,606 sq. ft. of retail commercial space; and Commercial Low Office - Maximum of 4.34 acres/37,810 sq. ft. of office commercial and related support space. The following conditions shall also apply:

- i. A unified master development plan for the entire 9.3 acres shall be prepared and approved as part of the rezoning process.
- ii. Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the design of the development.
- iii. Coordinate with the Red Barn commercial property to the west to incorporate an on-site connectivity option within the required master plan.
- iv. Coordinate with PalmTran to implement a bus shelter within the required master plan, if determined to be feasible.
- v. A plat for the entire 9.3 acres shall be filed with the Town, including a unity of title that cannot be broken.
- vi. A vegetative survey, including a Slash Pine inventory,

**ATTACHMENT A2**  
**REVISION OF THE FUTURE LAND USE MAP #FLU-1.10 AMENDMENT 11-2(SS):**  
**DAY PROPERTY**  
**(Ref: Following Page)**

1. Assignment of Special Policy 1.15.3 and the CL, in part, and CL-O, in part, future land use categories to the subject site on Future Land Use Map FLU-1.10, as illustrated on the following page.

-7-

**DESCRIPTION & SKETCH  
PREPARED FOR:  
W.H. BILL DAY**

**PORTION OF TRACT 33, BLOCK F,  
LOXAHACHEE GROVES  
(COMMERCIAL LOW OFFICE)**

**ATTACHMENT A2 – "ADOPTED PLAN"  
FUTURE LAND USE MAP AMENDMENT 11-2(SS)**

Ref: Special Policy 1.15.3

**P.O.C.**

NORTHWEST CORNER  
SECTION 27, TOWNSHIP 4  
SOUTH, RANGE 41 EAST

 - Proposed CL FLU Designation

 - Proposed CL - O FLU Designation

**OKEECHOBEE BOULEVARD**

NORTH LINE SECTION 27

S89° 29'30"E 496.39'

214.53'  
S89° 29'00"E

S89° 29'00"E 450.77'

S43° 35'17"E  
71.76'

NORTH LINE TRACT 33,  
BLOCK F

**P.O.B.**

**Parcel Size: 4.34 Acres  
From: Rural Residential 5 (RR 5)  
To: Commercial Low Office (CL-O)**

EAST LINE OF THE WEST 1158.6'  
OF TRACT 33, BLOCK F



GRAPHIC SCALE IN FEET

**Parcel Size: 4.96 Acres  
From: Rural Residential 5 (RR 5)  
To: Commercial Low**

N89° 34'40"W 303.96'

167.08'  
N00° 05'04"E

PORTION OF  
TRACT 33, BLOCK F  
LOXAHACHEE GROVES  
(P.B. 12, PAGE 29)

S89° 28'29"E 227.37'

120.51'  
N00° 31'31"E

N89° 43'47"W  
165.69'

111.78'  
N00° 47'36"E

SOUTH LINE TRACT 33, BLOCK F

N89° 20'29"W 237.09'

S02° 17'03"W 516.90'  
PARCEL #126  
(O.R.B. 9380, PAGE 879)

EAST LINE TRACT 33, BLOCK F  
**FOLSOM ROAD**

**LIDBERG LAND  
SURVEYING, INC.**

LB4431

675 West Indian Town Road, Suite 200,  
Jupiter, Florida 33458 TEL. 561-746-8454

CAD. K:\JUST \ 274341 \ 12-29 \ 08-088-303A \ 08-088-303A.DGN

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OFF R.J.W.

DATE 09/30/11

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SHEET 2 OF 2

DWG. A08-088B

**Item 6a.**  
**Ordinance 2012-01**  
**Staff Report**

**TO: MARK KUTNEY**  
**TOWN MANAGER**

**FROM: JIM FLEISCHMANN**  
**TOWN PLANNING CONSULTANT**

**RE: STAFF REPORT: SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT**  
**11-2(SS): DAY PROPERTY.**

**DATE: OCTOBER 7, 2011; Rev.: NOVEMBER 29, 2011; DECEMBER 16, 2011**

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The Town Council adopted the Loxahatchee Groves Comprehensive Plan on February 17, 2009, which was found In Compliance by the Florida Department of Community Affairs (FDCA) on April 15, 2009. Subsequent to the Finding of Compliance, a Petition to Intervene was filed on May 6, 2009 to challenge the Finding of Compliance. The challenge has been resolved as a result of a Petition for Voluntary Dismissal by the Petitioner and FDCA Final Order (DCA 11-GM-154). As a result of the Final Order and lack of an additional challenge, the Comprehensive Plan became effective on August 19, 2011.

The following staff report regarding proposed Small-Scale Amendment 11-2(SS) is organized in a manner pertinent to the amendment of the Comprehensive Plan.

**I. GENERAL INFORMATION**

**A. APPLICANT:** Willie and Frankie Day, property owners. The applicant is being represented by Urban Design Kilday Studios. The authorization letter is included as Attachment D of the Future Land Use Map Amendment Application.

**B. OWNER:** Willie and Frankie Day.

**C. LOCATION:** The property is located at the southwest corner of Okeechobee Boulevard and Folsom Road, Loxahatchee Groves, Florida.

**D. LEGAL DESCRIPTION:** The property is described as Lot 33, less the West 1158.6 feet thereof, Block F, Loxahatchee Groves, according to the Map or Plat thereof as recorded in Plat Book 12, Page 29, Public Records of Palm Beach County, Florida, less Parcel 126. Full legal descriptions and a current surveys are included in Attachment B of the General Application.

**E. PARCEL SIZE:** 9.30 acres.

Rev: December 16, 2011

**F. EXISTING FUTURE LAND USE (FLU) DESIGNATION:** Rural Residential 5 (RR-5) in the Comprehensive Plan (i.e. Map #: FLU 1-10 of the Comprehensive Plan).

**G. EXISTING ZONING:** AR - Agricultural Residential.

**H. EXISTING USE:** Single-family residential, including an approximate 2,000 sq. ft. residential unit.

**I. ADJACENT USES:** The property is a rectangular-shaped parcel bordered by Okeechobee Boulevard (north), a designated County Urban Collector Road, Folsom Farms, a landscape nursery (south), Folsom Road (east), a designated and paved Urban Local Road by the Town of Loxahatchee Groves, and the Red Barn commercial retail center (west) . Beyond these bordering facilities is a mixture of residential and non-residential uses, as follows.

- To the north, the subject site is bordered by Okeechobee Boulevard (120-foot ultimate right-of-way). Beyond the right-of way is a single vacant 19.33 acre parcel, with a Rural Residential 5 Future Land Use designation.
- To the south, the subject site is bordered by Folsom Farms, a 9.4 acre commercial landscape nursery. To its immediate south, beyond Bryan Road, are three single-family homes, on parcels ranging in size from 1.98 to 5.0 acres.
- To the east, the subject site is bordered by Folsom Road. Beyond the right-of-way and adjacent canal (combined 110-foot ultimate right-of-way) is the Crestwood residential planned development (typical lot size of 80' x 100'), located in the Village of Royal Palm Beach.
- To the west, the subject site is bordered by the Red Barn, a 35,000 sq. ft. retail commercial center on 4.91 acres. Beyond the Red Barn is a 10,000 sq. ft. religious facility (Acts 2) located on a 4.91 acre parcel.

In the Comprehensive Plan, adjacent properties within the Town of Loxahatchee Groves (north, south and west) are currently assigned a Future Land Use designation of Rural Residential 5 (density of one dwelling unit per five acres). Properties to the east of Folsom Road, within the Village of Royal Palm Beach, are assigned a Single-Family Residential Future Land Use designation and RS-2 zoning. The "Red Barn" property, which borders the subject site to the west is a legal non-conforming commercial use pursuant to Section 75-010 of the Town's Unified Land Development Code (ULDC).

Although not directly abutting the subject site, but of significance in defining the character of the vicinity, is the Royal Palm Beach Elementary School (Future Land Use designation of "School" in the Village of Royal Palm Beach) located at the northeast corner of Okeechobee Boulevard and Folsom Road.

A discussion of compatibility with adjacent land uses is presented in Section VI.A of this staff report.

## **II. REQUESTED FUTURE LAND USE (FLU) MAP AMENDMENT**

The current Future Land Use category assigned to the subject property is Rural Residential 5 (maximum residential density of one unit per five acres). The applicant has requested the assignment of two future land use categories, as illustrated on Map 1; Commercial Low (CL) to a portion of the property (i.e. 4.96 acres) and Commercial Low Office (CL-O) to the balance (i.e. 4.34 acres) in order to accommodate a development concept consisting of spaces for professional and medical office, personal services, and retail businesses.

Legal descriptions and surveys of both plots (proposed CL portion and proposed CL-O portion of the subject site) are included as Attachments A and B of the General Application.

Uses permitted in the Commercial Low and Commercial Low Office Future Land Use designations in the Comprehensive Plan are described in Table 1-8 of the Future Land Use Element, as follows:

- Commercial Low - "A limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas and public schools. Limited institutional and public facilities are allowed.
- Commercial Office – Commercial Low (CL-O): "Offices for administrative, professional and business purposes; banking and financial institutions; membership organizations; and, uses that are accessory to the office use including restaurants and public schools. Limited institutional and public facilities allowed."

The Commercial Low (CL) designation allows a maximum development intensity of 0.10, and the Commercial Low Office (CL-O) designation in the allows for a maximum development intensity of 0.20.

The maximum development intensity on the subject site permitted under the thresholds stated in the Comprehensive Plan is summarized as follows: 21,606 sq. ft. of CL space (4.96 acres x 43,560 sq. ft. per acre x 0.1 FAR); and 37,810 sq. ft. of CL-O space (4.34 acres x 43,560 sq. ft. per acre x 0.2 FAR). Total maximum allowable building potential on the subject is therefore 59,416 sq. ft. (CL space + CLO space).

**DESCRIPTION & SKETCH  
PREPARED FOR:  
W.H. BILL DAY**

**PORTION OF TRACT 33, BLOCK F,  
LOXAHACHEE GROVES  
(COMMERCIAL LOW OFFICE)**

**MAP 1  
PROPOSED LAND USE DESIGNATIONS**

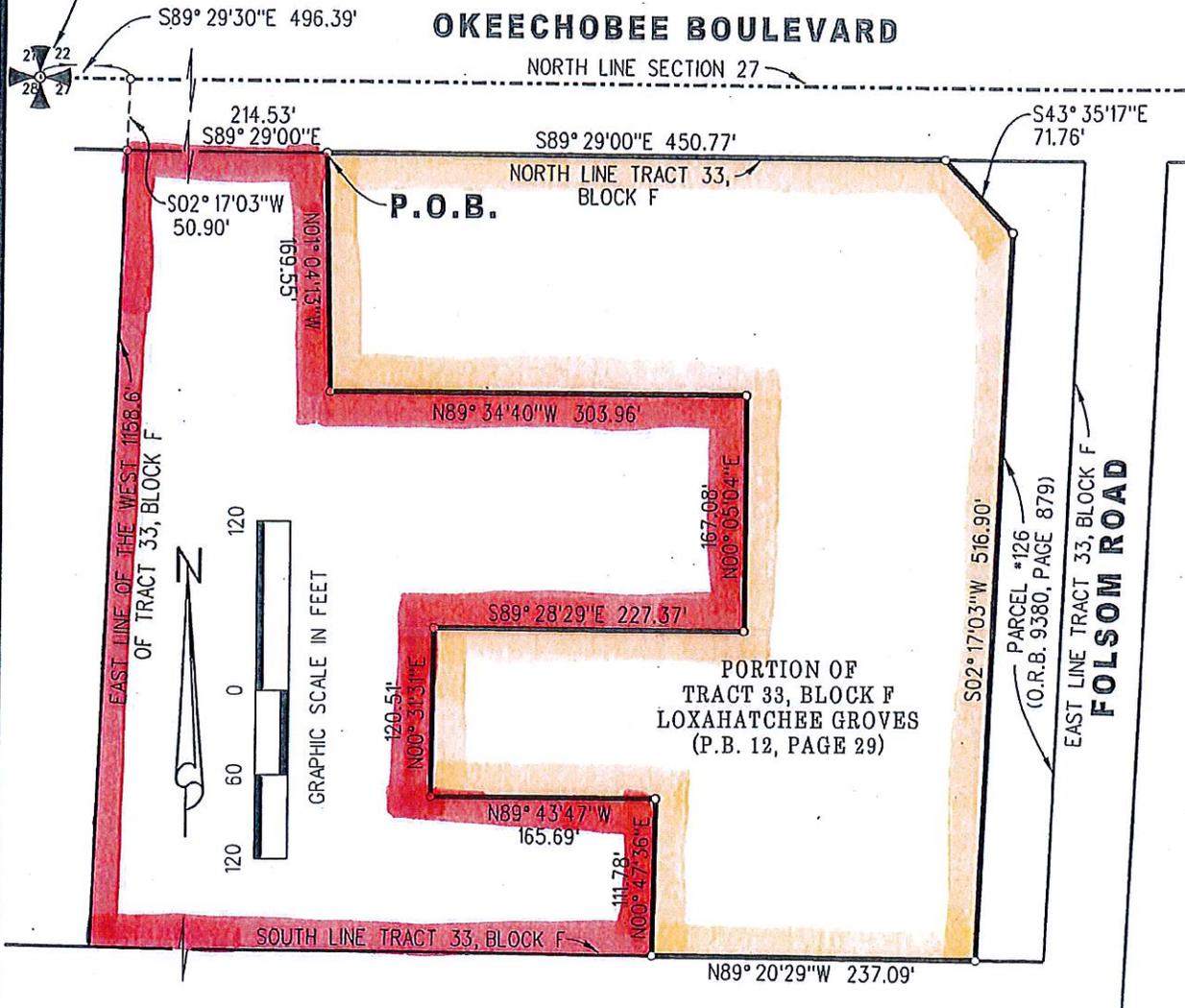
**P.O.C.**

NORTHWEST CORNER  
SECTION 27, TOWNSHIP 4  
SOUTH, RANGE 41 EAST

 - Proposed CL FLU Designation

 - Proposed CL - O FLU Designation

**OKEECHOBEE BOULEVARD**



**LIDBERG LAND  
SURVEYING, INC.**

LB4431 675 West Indian Town Road, Suite 200,  
Jupiter, Florida 33458 TEL. 561-746-8454

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### **III. PROPOSED DEVELOPMENT PROGRAM**

The applicant is requesting a combination of CL and CL-O future land use designations to allow the implementation of a unified development concept consisting of retail, professional and medical office and accessory use components. The application includes a transportation analysis (Ref: Attachment D of the Future Land Use Amendment Application) based upon the maximum potential development program shown in Table 1.

**Table 1 – Proposed Mix of Uses/Density and Intensity**

<b>Use</b>	<b>Square Feet/Units</b>
Commercial Low	Maximum of 21,606 sq. ft.
Commercial Low Office (Medical)	Maximum of 37,810 sq. ft.
Total Space	Maximum of 59,416 sq. ft.

In addition to the maximum development potential assumed in the traffic analysis, the applicant has submitted a conceptual plan (for discussion purposes only), illustrated on Map 2, for the property consisting of the following components: 1: General retail – 21,606 sq. ft; 2. restaurant – 6,160 sq. ft.; and general office – 31,650 sq. ft.

### **IV. INFRASTRUCTURE IMPACTS**

**A. WATER AND WASTEWATER SERVICE:** The property is located within the Palm Beach County Water Utilities Department (PBCWUD) service area. PBCWUD, in a letter dated September 4, 2009 (Ref: Attachment K of the Future Land Use Amendment Application) stated that PBCWUD has sufficient raw water, potable water and wastewater capacity to serve the future development of the subject site.

Palm Beach County (June 16, 2009) entered into a Potable Water and Wastewater Development Agreement with the Applicant. That agreement was part of the County assuming responsibility for certain active development agreements on properties located within the Village of Royal Palm Beach's former utilities service area due to its purchase of the utility. A 16" potable water main and a 10" sanitary sewer main are located within the Okeechobee Boulevard ROW, adjacent to the property. Further, an 8" potable water line and a 2" wastewater line extend from the Okeechobee Boulevard ROW along the Property's western perimeter.

The Town's Level-of-Service (LOS) standards for potable water and wastewater service, per the Comprehensive Plan, are as follows:

- Potable Water: The Florida Department of Environmental Protection permitted capacity of the water treatment facility serving a proposed development. Based upon the PBCWUD letter confirming the availability of service, the Town's Potable Water LOS standard will be maintained if the proposed amendment is approved.

**CONCEPTUAL SITE DATA**

MAY 2011

LOT SIZE:

9.30 AC  
(405,108 SF)

RURAL RESIDENTIAL  
(40% TYP. ACRES)  
AR

CL LOW (4.86 AC)  
COMMERCIAL LOW OFFI  
(4.34 AC)

COMMERCIAL

PROPERTY CONTROL NUMBER:  
41,41,43,17,01,033,0010

GROSS FLOOR AREA:  
59,416 SF

FLOOR AREA RATIO:  
0.10/20 FAR

Max. 10 = 21,605 SF FOR CL  
Max. 20 = 43,210 SF FOR CLO

BUILDING COVERAGE (MAX 25%):  
59,416 SF / 14.7%

PERVIOUS (MIN. 30%):  
-%

284 SPACES

PARKING REQUIRED:  
1 SP/2 SEATS @ 210 SEATS = 70 SPACES

RETAIL CFMEAL:  
1 SF/250 SF @ 21,605 SF = 87 SPACES

OFFICE CFMEAL:  
1 SF/250 SF @ 41,500 SF = 173 SPACES

PARKING PROPOSED (PRELIMINARY): 293 SPACES

LAND USE:  
ZONED: R2Z  
EXISTING USE: SF

CONCEPTUAL PLAN BASED ON THESE ASSUMPTIONS:

- EXISTING NATIVE TREES THAT CAN'T BE PRESERVED WILL BE MITIGATED FOR
- EXISTING OVERHEAD POWER LINE & POLES THAT RUN NORTH-SOUTH WILL BE REMOVED AS PART OF REDEVELOPMENT - SUBJECT TO REVIEW BY CIVIL ENGINEER.
- NO ADDITIONAL ROW WILL BE REQUIRED TO BE DEDICATED FOR FOLLOW ON R.O.
- 10' ADDITIONAL ROW WILL BE DEDICATED FOR ADDITIONAL OKEECHOBEE BLDG. ROW
- ACCESS LOCATIONS - REVIEW BY TRAFFIC ENGINEER REQUIRED
- DRAINAGE - REVIEW BY CIVIL ENGINEER REQUIRED
- 3" DEEP FRONT PORCH REQ'D AT ENTRANCE FACADE OF EACH BUILDING
- MAX. 35' HT.

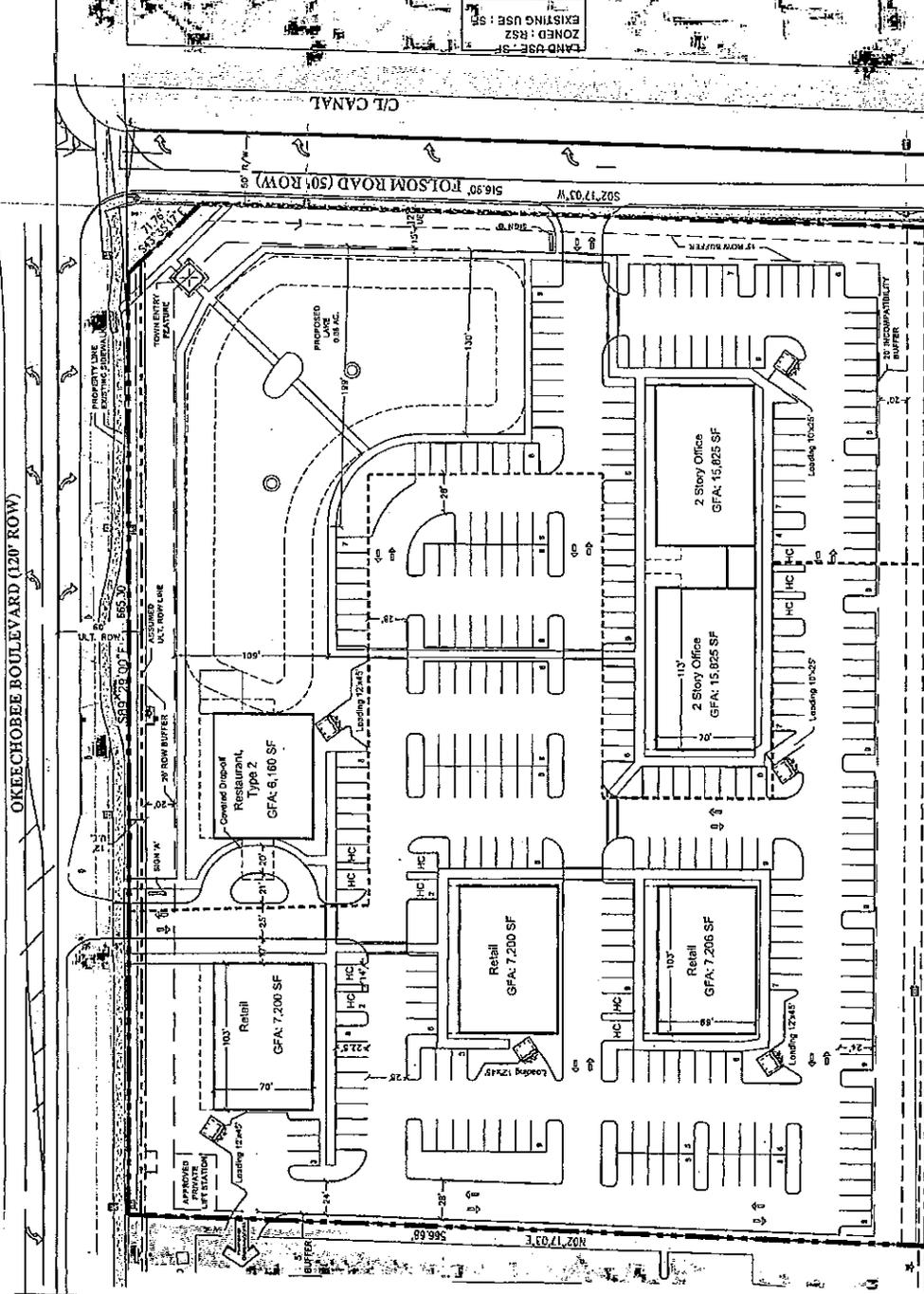
SITE DESIGN AND DATA BASED ON PROVISIONS AS SET FORTH IN THE CURRENT OKEECHOBEE GROVES UNIFIED LAND DEVELOPMENT CODE.

SITE PLAN BASED ON BOUNDARY SURVEY AS PREPARED BY LIBBERG LAND SURVEYING INC. DATED 05-17-2009

FOR INFORMATION  
10-3-11  
PURPOSES ONLY

WILLAGE OF 30'6"  
LAND USE: CC (SCHOOL)  
EXISTING USE: ROYAL  
PALM BEACH ELEM.

OKEECHOBEE BOULEVARD (120' ROW)



MAP 2  
ILLUSTRATIVE CONCEPT PLAN

- Sanitary Sewer: The Florida Department of Environmental Protection permitted capacity of the facility serving a proposed development. Based upon the PBCWUD letter confirming the availability of service, the Town's Sanitary Sewer LOS standard will be maintained if the proposed amendment is approved.

Based upon the above referenced confirmation of service availability from Palm Beach County, it is concluded that potable water and wastewater LOS standards of the Comprehensive Plan have been satisfied.

**B. SURFACE WATER MANAGEMENT:** Drainage in the Town is provided by a system of canals owned and operated by the Loxahatchee Groves Water Control District (LGWCD) that convey stormwater to structures controlling the amount of water discharged to the C-51 Canal. The LGWCD system is designed to remove 3.0 inches of runoff in 24 hours from one square mile.

According to the Infrastructure Element of the Comprehensive Plan, the drainage LOS, as specified in Policy 3A.1.2, can be maintained during the planning period of the Comprehensive Plan. In addition, the Town is located within the C-51 Basin, and is therefore subject to the South Florida Water Management District C-51 Basin criteria, as well as its other stormwater quality and quantity rules.

A Drainage Statement (Ref: Attachment E of the Comprehensive Plan Amendment Application) has been prepared by the applicant. According to the Drainage Statement, legal positive outfall is available via a drainage easement and drainage line on the south property line discharging to the Folsom Road canal immediately east of the property. Folsom Canal is under the jurisdiction of the Loxahatchee Groves Water Control District.

Overall, the proposed drainage system, per the Drainage Statement, will be designed to meet the following regulations and criteria:

1. Stormwater discharge from the site will be regulated by a control structure and the discharge rate will be limited to the allowable rates per the South Florida Water Management District (SFWMD) criteria and the Loxahatchee Groves Water Control District (LGWCD).
2. The minimum parking lot elevations will be set above the 5 year- 1 day stormwater elevation.
3. The minimum building finished floor elevation will be set above the 100 year – 3 day stormwater elevation.
4. Water quality treatment will be provided in accordance with the SFWMD criteria.

Proper design of the on-site drainage system, as required by implementation of Town, LGWCD and SDWMD land development regulations will insure that the stormwater management LOS standards in the Comprehensive Plan are met.

**C. SOLID WASTE DISPOSAL:** The Solid Waste Authority of Palm Beach County (SWA) is responsible for the disposal of solid waste generated in Palm Beach County. The SWA indicated in January 2011 that there is sufficient landfill capacity for the five and ten-year planning periods. At the generation rates used in SWA studies, the current lifespan of the landfill is 2031. Further, the SWA has begun initial design and permitting to develop a new landfill site in western Palm Beach County that will extend the life of the solid waste disposal system to 2048 or later.

The Town has contracted a private hauler to collect and transport residential solid waste to the appropriate SWA facility. Commercial businesses and nurseries are required to contract for these services directly with a private hauler.

According to Objective 3E1.1 of the Infrastructure Element of the Comprehensive Plan, the Town shall require in the land development regulations that applicants for development permits demonstrate adequacy of solid waste disposal sites or facilities prior to occupancy.

The Solid Waste Authority's assurance that capacity is available, and execution of a contract with a private hauler, as required, will insure that the Town's solid waste collection and disposal requirements are met. It is therefore concluded that solid waste disposal level-of-service requirements, per the Comprehensive Plan are satisfied.

**D. TRANSPORTATION:** The existing transportation system in the Town consists of paved and unpaved roadways, a fixed-route bus system, and equestrian trails. Roadways are classified based upon the purpose they serve, speed of travel, access needs and mobility needs. The Town's roadways are classified in the "Adopted Plan" as follows:

- Urban Principal Arterial: Southern Boulevard
- County Urban Collector: Okeechobee Boulevard
- Urban Local: Folsom Road (Okeechobee Boulevard to Crestwood Boulevard)
- Local Roads: Balance of streets in Loxahatchee Groves

For the purpose of future roadway conditions analysis, the Town uses the year 2030; the long-range planning period of the County's Long-Range Transportation Plan. The Town's adopted roadway level-of-service (LOS) standards (Objective 2.1 of the Transportation Element of the Comprehensive Plan) are as follows:

- Urban Principal Arterial: Generalized two-way peak hour volumes at the LOS standards established by the Florida Department of Transportation for all roadways on the State Highway System, SIS, or FIHS (i.e. LOS D).

- County Urban Collector: Generalized two-way peak hour volumes at the LOS D standard.
- Urban Local: No adopted standard.
- Local Roads: No adopted standard.

LOS standards, which represent a roadway's lowest acceptable operating conditions during the peak-hour, are used as the basis to identify future roadway improvements necessary to maintain minimum levels of service on the Town's roadways. The application of LOS standards to development proposals will ensure that adequate roadway facilities are available concurrent with their impacts.

In addition to the Town's impact review of Future Land Use Map amendment applications, Policy 2.1.5 of the Transportation Element requires an applicant to obtain transportation concurrency approval from both the Town and Palm Beach County prior to receipt of a building permit.

The applicant prepared an analysis (Ref: Attachment D of the Future Land Use Amendment Application) in order to assess future traffic impacts consistent with the requirements and standards of the Loxahatchee Groves and Palm Beach County comprehensive plans. The conclusion of the traffic study is summarized as follows:

- All of the roadway links within the project's radius (i.e. one mile) of development influence meet the applicable level-of-service standards as outlined in the County's Traffic Performance Standards.
- Based upon the calculated peak-hour turning movement volumes and the Palm Beach County engineering guideline used in determining the need for turn lanes of 30 to 75 right turns in the peak hour, turn lanes may be warranted at the project entrances. Peak hour turning movement volumes and the need for turn lanes will be addressed following the preparation of a specific plan of development.

Since the proposed Amendment 11-2(SS) is within the Town, a review of the submitted traffic analysis was not been performed by the Palm Beach County Traffic Division. However, staff has received correspondence from Calvin Giordano, the Town's Consulting Engineer, stating that the proposed amendment is in compliance with the Comprehensive Plan; however, Calvin Giordano further stated that additional analysis of the Town's north-south roads may be required at the time of site plan approval.

**E. PARKS/OPEN SPACE:** The proposed Future Land Use Map amendment will contain no residential units. It is therefore concluded that the proposed amendment will have no impact upon the Comprehensive Plan recreation LOS standard.

Rev: 12/16/2011

**F. PUBLIC SCHOOLS:** The proposed Future Land Use Map amendment will result in commercial development potential. As a result, there will be no impact upon the public schools LOS standard.

**G. FIRE/EMS:** The nearest station is Palm Beach County Fire-Rescue (PBCFR) Station #21, located at 14200 Okeechobee Boulevard. The subject site is approximately 1.5 miles from Station #21. Response time, estimated by PBCFR, is 5:50 minutes. PBCFR stated (Ref: Attachment J of the Future Land Use Amendment Application) that the land use change will have little impact upon fire rescue services.

The Comprehensive Plan does not contain an LOS standard for FIRE/EMS service. The The Palm Beach County Comprehensive Plan contains an emergency response time LOS standard of 7 minutes 30 seconds or less which can be used as a guide in evaluating the appropriateness of an estimated response time. Based upon the above referenced PBCFR letter, the estimated response time would satisfy the County's LOS standard.

## **V. ENVIRONMENTAL IMPACTS**

**A. NATURAL RESOURCES:** A development analysis report, including a vegetative inventory and on-site inspection (Ref: Attachment G of the Future Land Use Map Amendment Application) has been prepared by the applicant. According to the report, the subject is predominantly cleared of native vegetation, with limited amounts of native and non-native vegetation remaining around the centrally located single-family residence.

Remnants of an original pine flatwoods can be seen with a number of mature South Florida Slash Pines, which are in a slow state of decline due to the loss of natural habitat. There is also a limited number of native Cabbage Palms and Avocados proximate to the residence. The remainder of the trees and shrubs consist of Mangos, Star Fruit, Areca Palms, Swiss Cheese Plants and other fruit and nut trees.

The remainder of the property is primarily open fields with low grasses and invasive weeds, with the following exceptions: The southern perimeter is heavily planted with Washington Palms, Foxtail Palms, Bald Cypress, Canary Island Date Palms, and Brazilian Pepper, and the western perimeter is composed of a Brazilian Pepper buffer area.

During the site visit, and due primarily to the level of clearing, no state or federal listed plant or animal species were observed, and no environmental issues of special concern are identified.

**B. HISTORICAL RESOURCES:** The applicant requested and received an historical sites review by the Palm Beach County Archaeologist (Ref: Attachment I of the Future Land Use Amendment Application). His review of the County's map of known archaeological sites revealed none located on or within 500 feet of the subject property. However, he recommended that, if any artifacts are uncovered, the developer be required

to stop all soil disturbing activities until the significance of the find can be determined by a professional archaeologist. Further, if skeletal remains are encountered during construction, per F.S. Chapter 872, all construction must stop and the State Archaeologist contacted.

**C. FLOOD ZONE:** The property is identified as being in Flood Zone B as identified by FEMA Flood Insurance Rate Map Panel 50 of 245 (Palm Beach County). Flood Zone B (i.e. a "Moderate" flood hazard area) is defined as the area between the limits of the area flooded by a 100-year frequency storm, and that flooded by a 500-year storm.

## **VI. COMPATIBILITY AND CONSISTENCY ANALYSIS**

**A. ADJACENT LAND USES:** An inventory of land uses adjacent to the 9.30 acre subject property is presented in Section I.I of this analysis. All adjacent properties within the Town of Loxahatchee Groves are currently assigned Future Land Use designations of Rural Residential 5 (density of one dwelling unit per five acres). Adjacent properties to the east, within the Village of Royal Palm Beach, are assigned a Single-Family Residential Future Land Use designation and RS-2 zoning (maximum of 5 units per acre).

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

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

Separation of potentially incompatible uses can act to fully or partially mitigate potential incompatibilities. A 17-foot easement (5-foot utility and 12-foot drainage easements) are located along the southern boundary of the subject property. The easement is bordered to its south by the driveway and parking area for the Folsom Farms Nursery. To the east and north, the subject property is separated from adjacent properties by extensive road and/or canal rights-of-way (110 feet to the east and 120 feet to the north).

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

A review of the subject site vicinity leads to the conclusion that the area is comprised of a mixture of land uses, including low and moderate intensity residential, commercial (retail and nursery) and institutional (public school and religious institution).

The proposed combination of CL and CL-O Future Land Use designations (maximum aggregate intensity of 0.15 F.A.R.), in combination with the adjacent Red Barn property provides the Town with an opportunity to establish a rural-style commercial node at the intersection of Okeechobee Boulevard and Folsom Road. Comprehensive Plan directives (Ref: Section VI. B for further discussion) regarding compatibility with neighboring properties and implementation of Rural Vista Guidelines directives (Ref: Section VII for further discussion), along with implementation of buffering and screening techniques during site plan review, can be used as the basis to insure compatibility.

**B. TOWN DIRECTIVES:** The Town's various planning documents contain multiple directives that promote certain land use activities while maintaining the general rural character of the area and achieving compatibility between land uses. Town planning directives, as they relate to the proposed Future Land Use Plan amendment, are summarized in the following paragraphs.

### **1. Loxahatchee Groves Comprehensive Plan**

The following is a summary of Loxahatchee Groves "Adopted Plan" policies determined to be pertinent to the consideration of proposed Amendment 11-2(SS):

#### **a. Future Land Use Element:**

**Objective 1.1** directs the Town to adopt future land use categories with appropriate uses, densities and intensities that protect residential and agricultural uses and encourage limited economic development.

**Policy 1.1.2** (Ref: Table 1-8) adopts the Town's future land use categories, including residential density and non-residential intensity (i.e. floor-area-ratio) limits reflective of the Town's rural character. **Policy 1.1.3** directs the Town to ensure that future land use designations are compatible with adjacent land uses within and outside of the Town. **Policies 1.1.4(b) and (j)** direct the Town to adopt land development regulations to assure that development is consistent with the Comprehensive Plan and compatible with adjacent land uses, provides for open spaces, and buffers residential from non-residential uses. **Policy 1.1.5** directs the Town to consider all relevant factors, including but not limited to, consistency and with all elements of the Comprehensive Plan and compatibility with adjacent land uses. **Policy 1.1.7** directs the Town to assess the potential for urban sprawl when reviewing development proposals.

**Objective 1.3** directs the Town to encourage a rural community design and look.

**Policy 1.3.1** directs the Town to adopt regulations for non-residential development that reflect the Rural Vista Guidelines.

**Objective 1.12** directs the Town to consider changes to the future land use plan that create energy-efficient land use patterns.

**Objective 1.15** (*recently adopted by the Town Council via Amendment 11-1.1B to the Comprehensive Plan*) allows the Town Council to adopt special land use policies necessary to address site-specific issues necessary to implement the Comprehensive Plan and its special planning studies..

**b. Transportation Element:**

**Objective 2.5** directs the Town to coordinate the transportation system with the Future Land Use Map to ensure that land uses are consistent with transportation modes and services.

**Policy 2.5.1** directs the Town to encourage connectivity among all new developments in order to minimize impacts to the roadway network.

**Policy 2.5.3** directs the Town to pursue all opportunities to provide adequate bus shelters.

**Objective 2.7** directs the Town to maintain a safe local roadway network.

**Policy 2.7.2** directs the Town to encourage joint use of driveways and cross access agreements among adjoining property owners to allow circulation between sites.

**Policy 2.7.7** directs the Town to complete the Master Roadway, Equestrian and Greenway Plan (MREG) as a guide to future transportation improvements, safety and maintenance activities.

**c. Recreation and Open Space Element:**

**Objective 5A.4** directs the Town to require the provision of open space in new developments.

**Policy 5A.4.1** directs the Town to require the provision of natural areas, land buffers, or trails in non-residential developments.

**Policy 5A.4.2** states that the Town recognizes that open space is needed in order to create vista, provide shade, and enhance the rural image and flavor of the Town.

**d. Housing Element:**

**Objective 6.2** directs the Town to provide adequate and affordable housing for existing residents and anticipated population growth, including housing to accommodate any defined special needs of very-low, low and moderate income households, elderly households, handicapped or displaced residents, and farmworkers.

**Policy 6.2.8** directs the Town to encourage job creation at locations identified on the Future Land Use Map as a means of assisting very-low, low and moderate income residents in finding employment opportunities proximate to their homes.

Proposed amendment 11-2 (SS) is generally consistent with the “*Adopted Plan*” in that the proposal will:

- Provide the opportunity for commercial development in area that is compatible with adjacent land uses.
- Assist in coordinating the Town’s future land uses with the transportation system by locating a commercial property at the intersection of two paved roadways (i.e. a County Urban Collector and an Urban Local Road).
- Restrict non-residential intensity (i.e. floor-area-ratio) to maximums reflective of the Town’s rural character.
- Assist in providing accessible commercial, medical and professional services for Town residents, particularly in the areas north of Okeechobee Boulevard.
- Encourage economic development and employment opportunities for Town residents.
- Create energy-efficient Town land use patterns by locating commercial, medical and professional services proximate to residences.
- Not result in urban sprawl, as further discussed in Section VIII.C.

Additional consistency with the “*Adopted Plan*” can be established by incorporating the following within the associated development concept:

- On-site connectivity with the Red Barn commercial property to the west.
- Cooperating with PalmTran to implement a bus shelter.

## **2. Additional Planning Documents**

In addition to the “*Adopted Plan*”, the Town has three documents that are used to provide direction for the review of proposed Future Land Use amendment applications; Master Roadway, Equestrian and Greenway Plan (MREG), SR-80/Southern Boulevard Conceptual Access Management Plan (SBCAMP), and Guidelines For Loxahatchee Groves’ Non-Residential Projects (Rural Vista Guidelines).

The purpose of MREG is to evaluate the traffic operational characteristics of the existing and future transportation network and identify opportunities for equestrian trails and greenways which promote the Town’s rural character. A review of MREG found no specific directives that relate to proposed Amendment 11-2.

The purpose of the SR-80/Southern Boulevard Conceptual Access Management Plan (SBCAMP) is to develop an access management plan for use in evaluating future development along the Southern Boulevard corridor in anticipation of its expansion from four to six lanes. A review of SBCAMP found no specific directives that relate to proposed Amendment 11-2.

The purpose of the Rural Vista Guidelines is to establish planning guidelines and building designs for future development and redevelopment activities that reflect the Town’s rural lifestyle. Basic principles are that planning efforts should focus upon maintaining the existing tree canopy and compatibility with neighboring residential uses, and building design should be residential in scale and reflect a rural character, such as Colonial, Victorian, Farmhouse, Rustic and Bungalow. Pedestrian amenities such as walkways, porches, benches and boardwalks are desirable features. Specific examples of desirable features are included, including exteriors, roofs and roofing materials, windows, porches and entryways, screening of objectionable areas, signs, lighting, parking areas, landscaping, and pedestrian amenities.

The size of the subject site (9.30 acres), coupled with the rights-of way that constitute its northern and eastern borders and the intensity limitations imposed by the “*Adopted Plan*” creates an opportunity for incorporating Rural Vista Guidelines principles within the project design to insure compatible relationships with surrounding land uses.

## **VII. STAFF ANALYSIS**

**A. APPROPRIATENESS OF THE CURRENT FUTURE LAND USE (FLU) MAP DESIGNATION:** The current FLU designation of the 9.30 acre subject property is Rural Residential. The maximum current development potential is therefore one dwelling unit.

According to the data and analysis section of the Future Land Use Element of the “*Adopted Plan*”, Town population is projected to increase from 3,161 residents in 2006 to 4,700 residents in 2019, an increase of 1,539 residents. It is estimated (Housing Element data and analysis) that 471 housing units will be required to meet the demand generated by projected population growth. Additional residential development potential is estimated at 1,007 units, or 214% of that required to accommodate projected population growth during the planning period.

New residential home construction activity in Loxahatchee Groves during the 2000 – 2009 period is summarized in Table 2. The data indicates that residential construction activity during the ten-year period occurred at an average rate of 14.7 units per year.

Further, the location of a residence at the intersection of a County Urban Collector (Okeechobee Boulevard) and a paved Urban Local Road (Folsom Road) is not the most desirable or appropriate land use.

**Table 2**  
**Loxahatchee Groves Residential Construction Activity: 2000 – 2009**

Summary of Units Built By Year	
Year	Units Built
2000	16
2001	23
2002	16
2003	27
2004	16
2005	11
2006	19
2007	12
2008	6
2009	1
<b>2000 - 2009</b>	<b>147</b>

Source: Palm Beach County Property Appraiser; and Palm Beach County Planning Division  
As a result, the one unit residential development potential assigned to the property is not required to meet projected population growth during the planning period of the “*Adopted Plan*”.

**B. APPROPRIATENESS OF THE PROPOSED AMENDMENT:** Policy 6.2.8 of the “*Adopted Plan*” directs the Town to create proximate additional employment opportunities for its residents. The proposed amendment will assist in implementing this non-residential land use and location directive. Further, the property adjacent to the subject site, to its west, is a legal non-conforming commercial use. Compatibility with the neighboring property is established by separation of land uses, discussed in Section VIA above, and the application of the Rural Vista Guidelines, discussed in Section VI.B.2 above, to the associated development concept.

Folsom Road/Okeechobee Boulevard is an appropriate commercial location in that it is the only paved intersection of major roads in Loxahatchee Groves. The proposed amendment provides the Town with the opportunity to establish a commercial node to serve its residents at the most appropriate location which is compatible with its neighbors.

**C. URBAN SPRAWL ASSESSMENT:** Policy 1.1.7 of the Future Land Use Element of "*Adopted Plan*" directs the Town to assess the potential for urban sprawl when reviewing development proposals using the primary indicators presented in Florida Administrative Code (F.A.C.) 9J-5.006(5)g). However, recent revisions to Florida's growth management laws have deleted F.A.C 9J-5, and included statutory criteria to determine whether or not proposed future land use amendments constitute urban sprawl.

According to Florida Statutes Chapter 163.3177, a proposed future land use map amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

1. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
2. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
3. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
4. Promotes conservation of water and energy.
5. Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
6. Preserves open space and natural lands and provides for public open space and recreation needs.
7. Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.
8. Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes

sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in Florida Statutes 163.3164.

The following discussion points using data presented in previous sections of this report, summarize the basis for staff's conclusion that proposed Amendment 11-2(SS) achieves the stated minimum requirement and therefore discourages the proliferation of urban sprawl.

- The proposed amendments represent a functional mix of commercial, and commercial office land uses that implement stated Town planning directives. Since proposed development intensities are low in comparison with the more urban communities to the east, they are consistent with the rural nature of the Town.
- Policies in the Town's various planning documents recognize the need for limited economic development, create energy-efficient land use patterns and create employment opportunities for Town residents .
- The proposed amendment does not emanate from an existing urban development pattern; rather, it will complement the existing commercial use to its west and assist in establishing a commercial activity center at the intersection of Okeechobee Boulevard and Folsom Road.
- Data and analysis (Traffic Study, Drainage Statement, Wellfield Zone, Natural Features Inventory, Flood Zone, Historic Resources Evaluation and Water and Wastewater Provider letters) submitted in support of the Future Land Use Amendment application do not indicate that public facilities or services will be negatively impacted by proposed development activities, nor do they indicate that inappropriate or premature conversion of natural areas will occur.
- Infill development in Palm Beach County is normally located in the older coastal areas, generally east of Florida's Turnpike. The proposed FLU Map amendment, is oriented to meeting stated Town needs and does not discourage infill development in the coastal areas of the county.
- Implementation of a connectivity mechanism with the commercial property to its west will enhance accessibility among linked and related land uses along the Okeechobee Boulevard corridor.
- The site is not currently designated for recreational or open space uses.

Applying the above statutory assessment criteria to a summary of the assessments from the various analyses presented in this staff report, leads to the conclusion that proposed Amendment 11-1.2(SS) satisfies the "minimum of four" requirement. As a result, it is further concluded that the proposed amendment does not constitute urban sprawl.

**Table 3: Application of Urban Sprawl Assessment Criteria**

Urban Sprawl Assessment Criterion	Amendment 11-2(SS) Meets or Complies With
1	X
2	X
3	X
4	X
5	
6	
7	X
8	

X – Satisfies criterion.

**VIII. STAFF FINDINGS AND PRELIMINARY RECOMMENDATION:**

Planning staff finds Future Land Use Amendment 11-2(SS) to be generally consistent with the intent and direction of the Comprehensive Plan, provided that a finding of consistency with the traffic level-of-service standards is made by the Town’s consulting engineer.

However to insure consistency with the Town’s planning documents and the results of the various studies and analysis completed in the review of the application, Staff recommends approval of the proposed future land use amendment subject to the following conditions:

1. A unified master development plan for the entire 9.3 acres be prepared and approved as part of the rezoning process
2. Density/Intensity of development shall not exceed the following maximums: 37,810 sq. ft. of general office and related support uses and 21,606 sq. ft. of retail commercial uses.
3. Incorporate Rural Vista Guidelines, as directed by the Town Council, within the design of the development.
4. Incorporate an on-site connectivity option with the Red Barn commercial property to the west.
5. Cooperate with PalmTran to implement a bus shelter, if determined to be feasible.

Rev: 12/16/2011

**IX. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION:**

The LPA, at its meeting of December 8, 2011, recommended that the Council approve Amendment 11-2(SS), by a 3 – 2 vote, based on the evidence presented and that it is consistent with the Comprehensive Plan, subject to the following amendments to the above staff-initiated conditions of approval:

1. A plat shall be filed with the Town, including a unity of title that cannot be broken.
2. A vegetative survey, including a Slash Pine inventory, shall be completed at the time of master plan development, including identification of a Slash Pine preservation program.

**X. FINAL STAFF RECOMMENDATION**

At the December 8, 2011 LPA meeting, staff stated that the Town's Consulting Engineer had found the Applicant's traffic study to be consistent with the Transportation Element of the Comprehensive Plan. On the basis of this finding, and in consideration of the LPA recommendation, Planning staff finds Future Land Use Amendment 11-2(SS) to be generally consistent with the intent and direction of the Comprehensive Plan and recommends approval of Land Use Amendment Application 11-2(SS) subject to the following conditions:

1. A unified master development plan for the entire 9.3 acres be prepared and approved as part of the rezoning process.
2. Density/Intensity of development shall not exceed the following maximums: 37,810 sq. ft. of general office and related support uses and 21,606 sq. ft. of retail commercial uses.
3. Incorporate Rural Vista Guidelines, as directed by the Town Council, within the design of the development.
4. Coordinate with the Red Barn commercial property to the west to incorporate an on-site connectivity option.
5. Cooperate with PalmTran to implement a bus shelter, if determined to be feasible.
6. A plat for the entire 9.3 acres shall be filed with the Town, including a unity of title that cannot be broken.

Rev: 12/16/2011

7. A vegetative survey, including a Slash Pine inventory, shall be completed at the time of master plan development, including identification of a Slash Pine preservation program.

**XI. COUNCIL ACTION (to be determined)**

The Town Council, at its meeting of January 3, 2012 voted on first reading to approve/not approve Amendment 11-2(SS) to the Comprehensive Plan (i.e. Ordinance 2012-01) by a x-y vote.

The Town Council, at its meeting of January 17, 2012, and following a public hearing on the matter, passed/did not pass second reading to approve Amendment 11-2(SS) (i.e. Ordinance 2012-001 by a x-y vote

Rev: December 16, 2011

**ATTACHMENT A1**  
**FUTURE LAND USE ELEMENT TEXT AMENDMENT 11-2(SS)**

1. Addition of Special Policy 1.15.3 to the Future Land Use Element which limits the uses and intensity of development to levels reflected in the Applicant's voluntary proposed development concept and incorporates the staff recommendation.

Words underlined are additions to the current text of the Comprehensive Plan.

1.15.3 Special Policy:

Land use and density/intensity of development on the property delineated as "Special Policy 1.15.3" on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the following criteria: Commercial Low (CL) – Maximum of 4.96 acres/ 21,606 sq. ft. of retail commercial space; and Commercial Low Office - Maximum of 4.34 acres/37,810 sq. ft. of office commercial and related support space. The following conditions shall also apply:

- i. A unified master development plan for the entire 9.3 acres shall be prepared and approved as part of the rezoning process.
- ii. Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the design of the development.
- iii. Coordinate with the Red Barn commercial property to the west to incorporate an on-site connectivity option within the required master plan.
- iv. Coordinate with PalmTran to implement a bus shelter within the required master plan, if determined to be feasible.
- v. A plat for the entire 9.3 acres shall be filed with the Town, including a unity of title that cannot be broken.\
- vi. A vegetative survey, including a Slash Pine inventory, shall be completed at the time of master plan development, including identification of a Slash Pine preservation program.

Ordinance 2012-01

**ATTACHMENT A2**  
**REVISION OF THE FUTURE LAND USE MAP #FLU-1.10 AMENDMENT 11-2(SS): DAY**  
**PROPERTY**  
**(Ref: Following Page)**

1. Assignment of Special Policy 1.15.3 and the CL, in part, and CL-O, in part, future land use categories to the subject site on Future Land Use Map FLU-1.10, as illustrated on the following page.

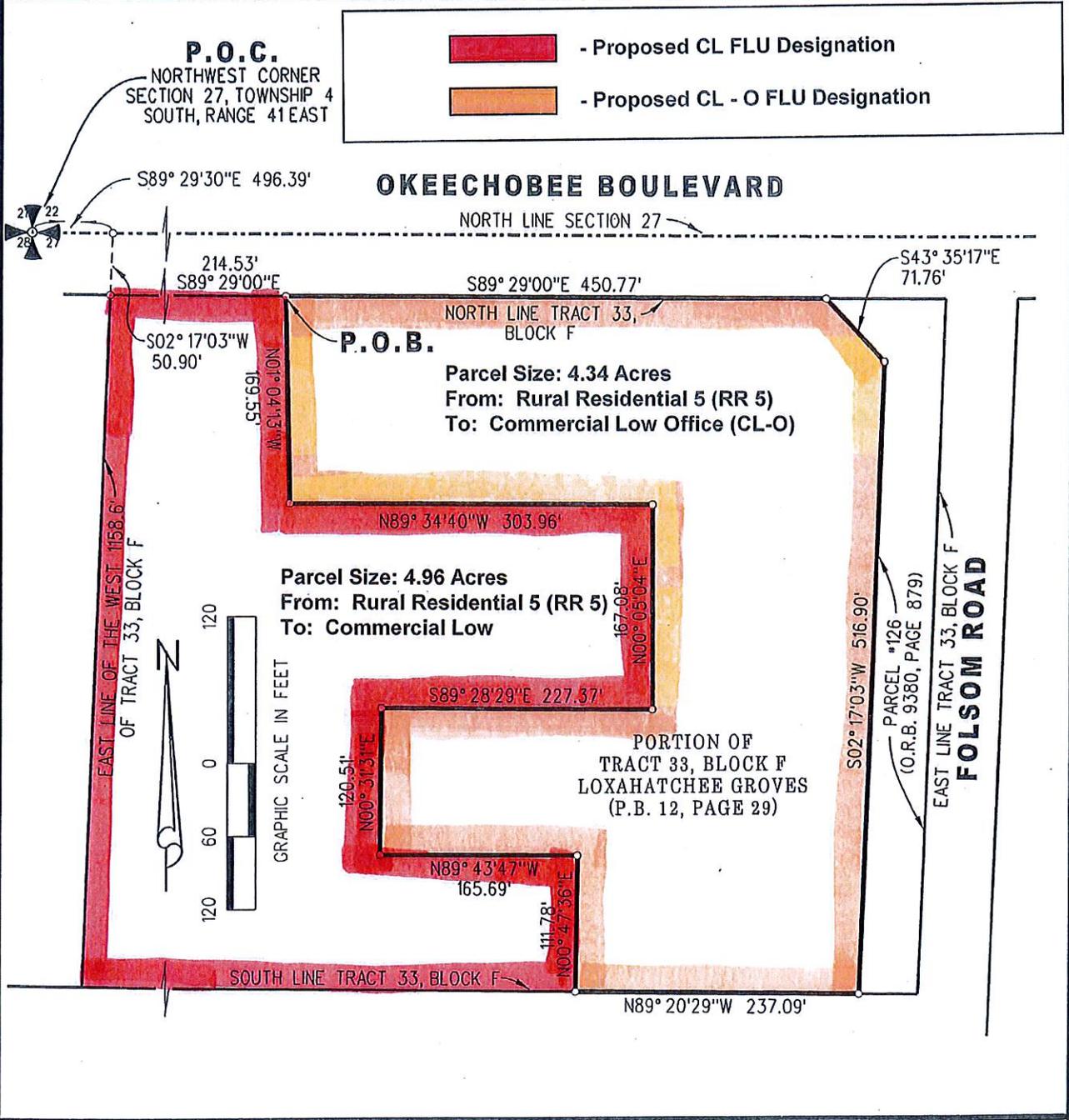
Rev: December 16, 2011

**DESCRIPTION & SKETCH  
PREPARED FOR:  
W.H. BILL DAY**

**PORTION OF TRACT 33, BLOCK F,  
LOXAHACHEE GROVES  
(COMMERCIAL LOW OFFICE)**

**ATTACHMENT A2 – "ADOPTED PLAN"  
FUTURE LAND USE MAP AMENDMENT 11-2(SS)**

Ref: Special Policy 1.15.3



**LIDBERG LAND  
SURVEYING, INC.**

LB4431 675 West Indiantown Road, Suite 200,  
Jupiter, Florida 33458 TEL. 561-746-8454

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## **NOTICE OF LAND USE CHANGE**

The Town Council for the Town of Loxahatchee Groves proposes to adopt Ordinance 2012-01:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 11-2(SS) TO THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) TO COMMERCIAL LOW AND COMMERCIAL LOW-OFFICE, TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 4.96 ACRES OF COMMERCIAL RETAIL AND A MAXIMUM OF 4.34 ACRES OF COMMERCIAL OFFICE AND ACCESSORY USES ON 9.30 ACRES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Council of the Town of Loxahatchee Groves will conduct a Public Hearing on Tuesday, February 3, 2012, at 7:00 p.m on Ordinance 2012-01 and Amendment 11-2(SS). The Public Hearing of the Town Council shall be held at the Loxahatchee Groves Water Control District meeting room 101 West "D" Road, Loxahatchee Groves, Florida 33470.

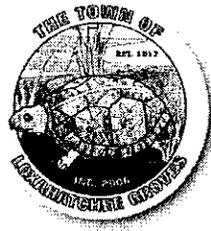
The Town Council will consider approval of the ordinance and whether to submit Amendment 11-2(SS).

The area of the proposed Land Use Amendment is depicted below.

All interested persons are invited to appear at the Public Hearing, which may be continued from time to time, and may be heard with respect to these matters. A copy of Amendment 11-2(SS) is on file at the Town Management Office 14579 Southern Boulevard, Suite 2 Loxahatchee Groves, Florida, 33470 for inspection by members of the public during normal business hours.

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Town Management Office at: (561) 793-2418 at least five days prior to the Public Hearing date.

**ATTACH 11-2(SS) LOCATION MAP HERE**



## **PUBLIC NOTICE**

### **TOWN OF LOXAHATCHEE GROVES**

**PROPOSED CHANGE:** Land Use Change from RR5 to CL and CL-O  
**APPLICATION #:** 11-2(SS)  
**APPLICATION NAME:** Day Property; Southwest Corner of Okeechobee Blvd. and Folsom Road

### **PUBLIC MEETING DATE**

**TOWN COUNCIL:** 7:00 p.m. Tuesday, January 3, 2012  
**LOCATION:** Loxahatchee Groves Water Control District 101 W."D" Road, Loxahatchee Groves

For additional information, please contact Janice M. Moore, Town Clerk, at 561-793-2418 or [jmoore@loxahatcheegroves.org](mailto:jmoore@loxahatcheegroves.org).

Town Management Office:  
14579 Southern Blvd., Suite 2  
Loxahatchee Groves, Florida 33470

**Item 6a.**  
**Ordinance 2012-01**  
**Public Comment**

December 1, 2011

Town of Loxahatchee Groves  
Town Management Office  
14579 Southern Boulevard, Suite 2  
Loxahatchee Groves, Florida, 33470

Regarding: Proposed Amendment 11-2(SS) Land Use Designation Changes

Gentlemen,

We have considered the proposed Land Use Changes and have reviewed in detail the proposed plan and we are supportive of The Town of Loxahatchee approving the proposed amendment. We feel this would be an asset to the neighborhood and would be a good fit for the community.

Thank you for the professional manner in which my inquiries regarding this project were met and answered.

Regards,

A handwritten signature in black ink, appearing to read "Stanley Vorsteg". The signature is written in a cursive style with a horizontal line underneath.

Stanley Vorsteg  
Loxahatchee Groves Resident  
12875 Bryan Road  
Adjoining neighbor to the subject site  
(561) 644-6452

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2012-01**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 11-2(SS) TO THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) TO COMMERCIAL LOW AND COMMERCIAL LOW-OFFICE, TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 4.96 ACRES OF COMMERCIAL RETAIL AND A MAXIMUM OF 4.34 ACRES OF COMMERCIAL OFFICE AND ACCESSORY USES ON 9.30 ACRES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and,

**WHEREAS**, the Town of Loxahatchee Groves, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been submitted to, and found to be “in compliance” by the State Department of Community Affairs (DCA); and,

**WHEREAS**, the Town’s Planning Consultant recommends approval of the Land Use Amendment Application, from the Rural Residential 5 Land Use Category to Commercial Low, in part and Commercial Low-Office in part within a Unified Development Plan, as set forth in the staff report to the Town Council in its capacity as the governing body of the Town setting forth recommendations and conditions, which is incorporated herein; and,

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2012-01**

**WHEREAS**, the Town's Planning Consultant recommends the submittal of this Land Use Plan Amendment consistent with his recommendations to the Florida Department of Economic Opportunity; and

**WHEREAS**, the Local Planning Agency of the Town of Loxahatchee Groves has also reviewed this Land Use Plan Amendment, following a duly advertised public hearing on December 8, 2011, the records of which are incorporated herein and made specific part thereof, and recommended that the Town Council approve the Amendment subject to the conditions as set forth in the staff report to the Town Council which is incorporated herein; and

**WHEREAS**, this Amendment will be transmitted to the Florida Department of Economic Opportunity; and

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing on this Amendment to the Town of Loxahatchee Groves Comprehensive Land Use Plan.

**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 the Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2012-01

**SECTION 2:** The Town Council has reviewed the application as the governing board of the Town, and finds the following:

1. The Amendment, as approved herein, is consistent with the goals, objectives and policies of the Town of Loxahatchee Groves Adopted Comprehensive Plan;
2. The characteristics of the surrounding area and the characteristics included in the proposed development are compatible;
3. The Town of Loxahatchee Groves has the ability or will have the ability to provide necessary services for the additional demand for public facilities.

**SECTION 3:** That the Town Council approves and adopts the recommendations of the Town's Planning Consultant and Local Planning Agency, which are incorporated herein.

**SECTION 4:** That the Land Use Plan Amendment to the Comprehensive Plan of the Town of Loxahatchee Groves, Amendment No. 11-2(SS) reviewed by the Town's Planning Consultant, and the Town's Local Planning Agency, and approved by the Town Council in its capacity as the governing body of the Town, from Rural Residential (1 du/ 5 ac) in the Town's Comprehensive Plan to Commercial Low, in part, and Commercial Low-Office, in part, within a Unified Development Plan, is hereby adopted, and which shall become effective upon the expiration of a twenty-one (21) day appeal period. This Amendment shall be construed as permitting a maximum of 21,606 sq. ft. of commercial and a maximum of 37,810 sq. ft. of commercial office uses, subject to the conditions of the Town Planning Consultant's Report, which is adopted and approved.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2012-01**

**SECTION 5:** That the Town's Planning Consultant is further authorized and directed to make the necessary textual changes to the Future Land Use Element of and the Town's Comprehensive Plan, as well as the changes to the Future Land Use Map in the plan, in order to reflect the above-stated changes consistent with the recommendations of the Planning Consultant Report.

**SECTION 6:** All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8:** This Ordinance shall become effective immediately upon the expiration of a twenty-one (21) day appeal period.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2012-01**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janice M. Moore, Town Clerk

\_\_\_\_\_  
Vice Mayor Ryan Liang

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Michael D. Cirullo, Jr., Town Attorney

\_\_\_\_\_  
Council Member Ronald Jarriel

\_\_\_\_\_  
Council Member Jim Rockett

MDC:aw

**TOWN OF LOXAHATACHEE GROVES**

**ORDINANCE NO. 2012-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN'S PLANNING AND ZONING BOARD, TO AMEND SECTION 2, SUBSECTION ENTITLED "COMPOSITION AND TERM OF OFFICE" TO PROVIDE THAT ALTERNATE MEMBERS OF THE BOARD MAY PARTICIPATE IN ALL MATTERS COMING BEFORE THE BOARD AT MEETINGS IN WHICH THEY ARE IN ATTENDANCE, BUT MAY VOTE ONLY IN THE ABSENCE OF A REGULAR MEMBER; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves adopted Ordinance 2011-011, which established the Town's Planning and Zoning Board ("Board"); and,

**WHEREAS**, the Board has requested that alternate members of the Board be permitted to participate in any matter coming before the Board at a meeting at which the Alternate Member attends; and,

**WHEREAS**, the Town Council finds it is in the best interest of the Town to amend Ordinance 2011-011 to permit alternate members of the Board to participate in all matters that come before the Board at meetings at which they attend, but may vote only in the absence of a regular member of the Board.

**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 of the Town of Loxahatchee Groves hereby amends Ordinance 2011-011, to amend the Section entitled "Composition and term of office," to permit alternate members of the Planning and Zoning Board ("Board") to participate in all matters that come before the Board at meetings at which they attend, but may vote only in the absence of a regular member of the Board, as follows:

## TOWN OF LOXAHATACHEE GROVES

### ORDINANCE NO. 2012-02

#### Sec. - Composition and term of office.

(1) The Planning and Zoning Board shall be composed of five (5) members, and two (2) alternate members placed in office in accordance with the following procedure:

(a) Each member of the Town Council, following his or her election or re-election to office, shall nominate a qualified citizen for appointment to the Planning and Zoning Board by the Town Council, to serve a term of three (3) years.

(b) Two (2) alternative members, designated as Alternate No. 1 and Alternate No. 2, shall be appointed by the Town Council each year to serve one (1) year terms. Alternate members ~~shall~~ may participate in all matters that come before the Board at meetings at which they attend. However, alternate members may only vote and vote as members of the Board, in their designated order, whenever any regular member of the Board is absent.

(2) Members of the Planning and Zoning Board shall be appointed from the residents of the Town who shall be knowledgeable concerning the functions of municipal government, planning and zoning matters and municipal development, as well as, from professions associated with development including, without limitation, architects, planners, attorneys, engineers, and contractors. Board members shall hold no other Town office or position.

(3) Three (3) members of the Planning and Zoning Board who are in attendance shall constitute a quorum for purpose of convening a meeting and transacting the business at hand.

(4) Vacancies on the Planning and Zoning Board shall be filled by appointment by the Town Council for the unexpired term of the membership vacated. Nomination for such appointment shall be made by the council member who nominated the vacating Board member; except that if an alternate member should vacate his position, any member of the Town Council may nominate a qualified citizen for appointment to such position, which must be approved by the Town Council.

(5) The Town Council shall have the authority to remove any member of the Planning and Zoning Board from his or her office for cause whenever, after due notice of hearing at a regular or special meeting of the Town Council, a majority of the council votes for such removal. Causes for removal shall include absence from five (5) consecutive Board meetings without valid excuse as determined by the Town Council.

## TOWN OF LOXAHATACHEE GROVES

### ORDINANCE NO. 2012-02

(6) Compensation. The members of the Planning Board shall serve without compensation, but shall be reimbursed for any expenses authorized by the Town Council, which may be incurred in the performance of their duties.

(7) Organizational meeting. The initial organizational meeting of the Board shall occur at the first meeting of the Board following the appointment of Board members by the Town Council. Thereafter, the Board meeting in April of each year shall be designated an organizational meeting for the purpose of electing a chairman and vice-chair, who shall be elected for terms of one (1) year by the Board from its membership.

**Section 3. 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 4: 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 5: 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 6: Effective Date.** This ordinance shall take effect immediately upon adoption.

*[The remainder of this page intentionally left blank.]*

**TOWN OF LOXAHATACHEE GROVES**

**ORDINANCE NO. 2012-02**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janice M. Moore, Town Clerk

\_\_\_\_\_  
Vice Mayor Ryan Liang

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Michael D. Cirullo, Jr., Town Attorney

\_\_\_\_\_  
Council Member Ronald Jarriel

\_\_\_\_\_  
Council Member Jim Rockett

**Item 7a.**  
**Resolution No. 2012-01**

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2012-01**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 166.241(4), Florida Statutes, the Town may amend its adopted budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012., for up to sixty (60) days following the end of the fiscal year; and,

**WHEREAS**, the Town Management has concluded a review of the budget and expenditures for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012, and is recommending amendments to the Town's budget as set forth in Exhibit A" hereto.

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

**Section 1.** Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

**Section 2.** The Town's adopted budget for the Fiscal Year beginning October 1, 2011, and ending September 30, 2012, is hereby amended as set forth in Exhibit "A", attached hereto and expressly made a part hereof.

**Section 3.** If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby

repealed to the extent of such conflict.

**Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_ DAY OF JANUARY, 2012.**

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

**EXHIBIT "A"**

**(BUDGET AMENDMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011  
AND ENDING ON SEPTEMBER 30, 2012)**

TOWN OF LOXAHATCHEE GROVES  
 GENERAL FUND BUDGET  
 FOR 2011-2012

Account Number	REVENUE	FY11-12 PROPOSED BUDGET
<b>GENERAL FUND: REVENUES:</b>		
	<b>TAXES</b>	
001-311-100	AD VALOREM TAXES @ 1.2000	210,000
001-313-100	FPL FRANCHISE FEE	200,000
001-313-300	PBC WATER UTILITY FRANCHISE FEE	12,000
001-314-100	ELECTRIC UTILITY TAX	196,000
001-314-510	COMMUNICATION SERVICES TAX	145,392
	<b>TOTAL TAXES</b>	<u><u>763,392</u></u>
	<b>INTERGOVERNMENTAL REVENUES</b>	
001-335-120	STATE REVENUE SHARING	78,236
001-335-180	HALF CENT SALES TAX	207,222
001-338-001	COUNTY OCCUPATIONAL LICENSES	5,000
001-341-000	GENERAL GOVERNMENT CHARGES	5,000
001-341-102	CODE ENFORCEMENT FINES	5,000
001-341-103	PLANNING & ZONING PERMIT FEES	20,000
001-343-349	COST RECOVERY FEES	10,000
	<b>TOTAL INTERGOVERNMENTAL REVI</b>	<u><u>330,458</u></u>
	<b>MISCELLANEOUS</b>	
001-361-100	INTEREST	4,000
001-369-000	OTHER MISC INCOME	1,000
001-385-100	TRANSFER FROM SANITATION FUND	-
001-399-000	TRANSFER FROM FUND BALANCE	1,000,000
	<b>TOTAL MISCELLANEOUS</b>	<u><u>1,005,000</u></u>
	<b>TOTAL REVENUE</b>	<u><u>2,098,850</u></u>

TOWN OF LOXAHATCHEE GROVES  
 GENERAL FUND BUDGET  
 FOR 2011-2012

Account Number		FY11-12 PROPOSED BUDGET
<b>EXPENSES</b>		
<b>LEGISLATIVE</b>		
001-511-400	TRAVEL AND PER DIEM	3,000
001-511-402	EDUCATION AND TRAINING	1,000
001-511-420	LEGAL ADVERTISING	
001-511-510	OFFICE SUPPLIES	-
001-511-520	OPERATING SUPPLIES	-
001-511-540	BOOKS, PUBLICATIONS AND DUES	4,200
001-511-550	SPECIAL EVENTS/CONTRIBUTIONS	2,500
001-511-590	OTHER OPERATING EXPENSES	1,000
	<b>TOTAL LEGISLATIVE</b>	<u><u>11,700</u></u>
<b>EXECUTIVE</b>		
001-512-340	CONTRACTUAL-ADMINISTRATION	250,625
001-512-400	TRAVEL AND PER DIEM	500
001-512-410	COMMUNICATIONS AND FREIGHT	6,000
001-512-420	POSTAGE	2,000
001-512-510	OFFICE SUPPLIES	2,500
001-512-521	LOXAHATCHEE GROVES C.E.R.T. EX	2,000
001-512-540	DUES, SUBSCRIPTIONS & MEETINGS	500
001-512-590	OTHER OPERATING EXPENSES	4,000
	<b>TOTAL EXECUTIVE</b>	<u><u>268,125</u></u>
<b>FINANCIAL AND ADMINSTRATIVE</b>		
001-513-320	ACCOUNTING AND AUDITING	18,000
001-513-420	LEGAL ADVERTISING	7,000
001-513-441	ELECTION EXPENSE	9,000
001-513-470	PRINTING AND BINDING	5,000
	<b>TOWN FINANCIAL AND ADMINSTRAT</b>	<u><u>39,000</u></u>
<b>LEGAL COUNSEL</b>		
001-514-310	PROFESSIONAL SERVICES	50,000
001-514-312	LEGAL -COMP PLAN	-
	<b>TOTAL LEGAL SERVICES</b>	<u><u>50,000</u></u>

TOWN OF LOXAHATCHEE GROVES  
GENERAL FUND BUDGET  
FOR 2011-2012

Account Number		FY11-12 PROPOSED BUDGET
	<b>PLANNING &amp; ZONING</b>	
001-515-310	PROFESSIONAL SERVICES	20,000
001-515-340	CONTRACTUAL-CODE REVISIONS	
001-515-343	PLANNING & ZONING CONTRACT	10,000
001-515-347	COMPREHENSIVE PLAN	5,000
001-515-349	<b>COST RECOVERY EXPENDITURES</b>	<b>10,000</b>
001-515-990	P & Z CONTINGENCY	-
	<b>TOTAL PLANNING AND ZONING</b>	<u><u>45,000</u></u>
	<b>OTHER GENERAL GOVERNMENT</b>	
001-519-410	WEB SITE MAINTENANCE CONTRACT	500
001-519-440	RENTALS AND LEASES	14,000
001-519-450	INSURANCE	9,500
001-519-470	PRINTING AND BINDING-MUNICODE	4,000
001-519-480	PROMOTIONAL ACTIVITIES	-
001-519-490	COMPUTER REPAIR	2,000
001-519-620	BUILDINGS	250
001-519-710	INSPECTOR GENERAL OFFICE FEE	2,172
001-519-900	TRANSFER TO ROAD FUND	
001-519-910	TRANSFER TO SANITATION FUND	13,694
001-519-920	TRANSFER TO CAPITAL PROJECTS FUN	1,000,000
001-519-990	CONTINGENCY	312,124
	<b>TOTAL GENERAL GOVERNMENT</b>	<u><u>1,358,240</u></u>
	<b>LAW ENFORCEMENT</b>	
001-521-310	PROFESSIONAL SERVICES-PBSO	274,785
001-521-340	CONTRACTUAL-ADDL PBSO	4,000
001-521-590	OTHER OPERATING EXPENSES	-
	<b>TOTAL POLICE</b>	<u><u>278,785</u></u>
	<b>CODE ENFORCEMENT</b>	
001-524-310	CODE COMPLIANCE	45,000
001-524-340	SPECIAL MAGISTRATE	3,000
	<b>TOTAL CODE ENFORCEMENT</b>	<u><u>48,000</u></u>
	<b>PUBLIC WORKS</b>	
001-541-310	PROFESSIONAL SERVICES	-
001-541-340	OTHER CONTRACTUAL	-
	<b>TOTAL PUBLIC WORKS</b>	<u><u>-</u></u>
	<b>TOTAL REVENUE GENERAL FUND</b>	<b>2,098,850</b>
	<b>TOTAL EXPENSE GENERAL FUND</b>	<b>2,098,850</b>
	<b>NET REVENUES OVER EXPENSES</b>	<b>-</b>

# Underwood Management Services Group, LLC

840 N.E. Stokes Terrace  
Jensen Beach, Florida 34957  
Telephone: 772.233.1511

William F. Underwood, II  
Managing Partner  
Email: umsg@att.net

## Memorandum

TO: FAAC Committee Members

FROM: William F. Underwood, II, UMSG

DATE: November 20, 2011

SUBJECT: Approval of the Special Revenue Fund for Cost Recovery – Agenda No. 4. b

After further consideration and discussion, we have determined that a special revenue fund for cost recovery may not satisfy the GASB requirements for this type of fund. As a result, we believe we can accomplish your goal of verifying revenues to expenditures. Additionally, we will continue to carry the balance of the projects as a restricted fund balance for purposes of reporting on the balance sheet and on the trial balance. We will need to take the new accounts to the Town Council for their approval in January.

We propose the following:

General Fund Revenue – Charges for Service Category

**001-343-349-900 Cost Recovery Fees**

General Fund Expenditure – Planning and Zoning Services

**001-515-349-900 Cost Recovery Expenditures**

The following are the current balances for the cost recovery system of the Town

		Debit	Credit
001-223-101-000	CR-Land Design South-Simon LGC	(353.06)	
001-223-102-000	CR-Lox EQ PTRS Solar SPT ODeLL		2,062.67
001-223-103-000	CR-Kilday Associates-Day		980.72
001-223-104-000	CR-Community of Hope	(3,557.22)	
001-223-105-000	CR-Carlson Farms		2,326.25
001-223-106-000	CR-Groves Medical Plaza	(405.00)	
001-223-108-000	CR-7th Day Adventist Church	(1,395.00)	

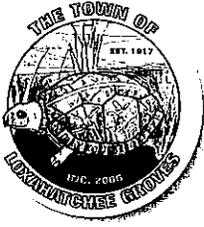
Sincerely,



William F. Underwood, II

cc: Mark Kutney, Town Manager  
Jan Moore, Town Clerk

**Item 9a.**  
**Adoption of Finance &  
Accounting Manual**



TOWN OF LOXAHATCHEE GROVES  
OFFICE OF THE TOWN MANAGER  
AGENDA REPORT

**TO:** Mayor and Town Council

**FROM:** Mark A. Kutney, Town Manager, AICP, ICMA-CM

**DATE:** December 28, 2011

**SUBJECT:** Adoption of Revisions to the Town's Finance and Accounting Procedures Manual

**I. BACKGROUND/HISTORY**

The Town Council adopted the latest revisions to the Town's Finance and Accounting Procedures Manual on May 3, 2011. This action was moved by Councilman Ron Jarriel and seconded by Vice Mayor Ryan Liang. The motion passed unanimously by a 5-0 vote.

**II. DISCUSSION**

Upon commencement of the current Town Management assuming duties and responsibilities, Underwood Management Services Group (UMSG) has revised the Town's Finance and Accounting Procedures Manual to reflect a number of updates and cosmetic changes. This is a first step in a continued process of future amendments. Town Management Staff presented these changes to the Finance Advisory & Audit Committee (FAAC) on November 28, 2011 and received approval of the Committee. The FAAC provided this report to Town Council on December 6, 2011.

**III. FISCAL IMPACT**

None

**IV. ATTACHMENTS**

Revised Town Finance and Accounting Procedures Manual

**V. RECOMMENDATION**

Town Management Staff recommends that Town Council adopt the revisions to the Finance and Accounting Procedures Manual by motion and vote.

# Town of Loxahatchee Groves

Finance and Accounting Procedures Manual

March 2011

## GENERAL INFORMATION

- The Town Council formulates financial policies, delegates administration of the financial policies to the Town Manager and reviews operations and activities.
- The Town Manager has management responsibility including financial management.
- Financial duties and responsibilities must be separated so that no one employee has sole control over cash receipts; disbursements; payroll; reconciliation of bank accounts; etc.
- Professional financial service providers will be established annually. ~~For 2011 these include the management company, FRANK R. SPENCE, INC. and their/the Town's Finance Director and their accounting services provider, Florida Accounting Computer Services, Inc., such as the~~ Florida Municipal Insurance Trust (F.M.I.T.) (*insurance*), ~~W~~banking services will be provided pursuant to State of Florida statutes in a Qualified Public Depository (QPD), currently Wells Fargoachovia and TD Bank (*banking*), and Nowlen, Holt & Minor, PA (*external auditors*).
- The ~~Town's Management Services Firm Finance Director of the Management Company~~ will maintain a current and accurate log of the chart of accounts, job accounts and accounting classifications.
- These policies and procedures will be reviewed annually by the Finance Advisory & Audit Committee.

## REVENUE SOURCES

**Ad Valorem Taxes:** Palm Beach County Property Appraiser and Tax Collector place the ad-valorem assessment on their Property Tax Notice each year. The Town adopts the millage rate through its budget hearings and provides that information to the Property Appraiser's Office. Once the notices are sent out and the revenues are collected, they are directly deposited electronically into the Town's QPD Public Funds Checking Account(s).

**Communications Service Tax:** The 2001 law establishing the communications services tax was designed to restructure taxes on telecommunications, cable, direct-to-home satellite, and related services. The law replaced and consolidated several different state and local taxes with a single tax comprised of two parts: the Florida communications services tax and the local communications services tax. Through the adoption of Ordinance 2007-004, the Town adopted the levying of the Communications Service Tax. The budgeted amount is taken from the information provided by Florida Legislative Committee on Intergovernmental Relations 2010-2011 estimates. The Town receives this revenue monthly in the form of direct deposit from the State of Florida. The revenue deposits are deposited electronically automatically made into the Town's QPD Public Funds Checking Account(s).

**Electric Utility Tax (FPL):**

Florida Power and Light collect the Utilities Service Tax on behalf of the Town. The Utility Tax is directly deposited electronically monthly into the Town's QPD Public Funds Checking Account(s).

#

#### **FPL Franchise Fee:**

The Town adopted Ordinance 2007-001 which stated that FPL and the Town of Loxahatchee Groves desired to enter into a franchise agreement providing for the payment of fees to the Town of Loxahatchee Groves in exchange for the nonexclusive right and privilege of supplying electricity and other services within the Loxahatchee Groves free of competition from the Town of Loxahatchee Groves, pursuant to certain terms and conditions as per the current franchise agreement. The Town receives 5.9% of the net revenue generated to F.P.& L. for the Town. The Franchise Fee is directly deposited electronically monthly into the Town's QPD Public Funds Checking Account(s).

#### **State Revenue Sharing:**

The budgeted amount is taken from the information provided by Florida Legislative Committee on Intergovernmental Relations Office of Economic and Demographic Research estimates. The revenue is directly deposited electronically into the Town's QPD Account(s) received monthly via electronic funds transfer from the State of Florida directly into the Town's Public Funds Checking Account.

#### **Half Cent Sales Tax:**

The budgeted amount is taken from the information provided by Florida Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations. The revenue is received monthly via electronic funds transfer from the State of Florida. The deposits is are directly deposited electronically into the Town's QPD Account(s) made directly into the Town's Public Funds Checking Account.

#### **County Occupational Licenses**

Palm Beach County is responsible for issuing and collecting fees relating to Business Tax Licenses on behalf of the Town through the Inter-Local Agreement executed between the Town and Palm Beach County. The Town receives a certain percentage of all of the new and renewed Business Tax Licenses for businesses located in the Town. This revenue is directly deposited electronically into the Town's QPD Account(s) monthly into the Town's Public Funds Checking Account.

#### **Interest**

The YTD amount is based on the lowest interest earnings rates received paid by the Town through its authorized and approved investment policy or State of Florida statutes. Government Funds Public Checking Account. At this time interest rates are at an all-time low, ranging between .25% and .50%.

#### **SOLID WASTE ASSESSMENT AND COLLECTION**

In July 2008, the Town Council adopted Ordinance 2008-005 entitled Special Assessments. Consistent with the requirements of Chapter 170, Florida Statutes, the ordinance authorizes the Town Council to impose special assessments including the

solid waste special assessment, as well as any other special assessments for public improvements, such as service programs or public works projects. In July of each year, the Town adopts the preliminary Solid Waste Assessment to be included on the annual TRIM Notice sent out by Palm Beach County Property Appraiser's Office. Annually, during the month of September, the Town will adopt the final Solid Waste Assessment which will be included in the final property tax bill sent to each of the Loxahatchee Groves property owners. The Town's Solid Waste Non-Ad-Valorem (NAV) Assessment will be included in all property tax bills and payments are made to the County. After the County's 2% Administrative Fee is deducted, these funds are directly deposited into the Town's ~~QPD Public Fund Checking~~ Account(s) by the Palm Beach County Tax Collector.

By the third week in July each year, Town Management is responsible for transmitting the solid waste assessment database to the Palm Beach County Property Appraiser's Office and Tax Collector's Office. The database must be submitted in a specific format as prescribed by the County. Town Management is responsible for maintaining the database by tracking new residential Certificates of Occupancy that have been issued throughout the year. New residential units shall be added to the database.

#### **CASH RECEIPTS (includes checks)**

- Town Management is responsible for opening all mail addressed to the Town of Loxahatchee Groves as well as mail without specific addressee.
- Town Management will endorse all checks by rubber stamp to read as follows:  
PAY TO THE ORDER OF  
*Name of Bank*  
FOR DEPOSIT ONLY  
*Town of Loxahatchee Groves*  
*Account Number*
- Town Management is responsible for the documentation of all receipts. All receipts will be deposited intact. Town Management will complete deposit slips in duplicate. Copies of all checks and deposit slips will be scanned and filed electronically. No disbursements will be made from cash or check receipts prior to deposit.
- Town Management will make bank deposits weekly or as often as necessary, as deemed by the Town Manager. ~~Copies of all deposit records will be provided to the Finance Director in a timely manner as they are an integral part of the monthly financial statements.~~

#### **CHECK DISBURSEMENTS**

- CHECK AUTHORIZATION
  - All invoices will be immediately forwarded to the Town Manager who will review the invoices for mathematical accuracy, validity, conformity to the budget (or other board authorization) and compliance with contract and bid requirements.
  - Prior to payment, all invoices will be approved (indicated by initialing) by the Town Manager. The Town Manager or Town Clerk will code the invoice with an appropriate expense or other chart of accounts line item number, class and/or job number (where applicable).

- The Town Manager will ensure that all conditions and specifications on a contract or order have been satisfactorily fulfilled prior to any disbursement of payment. The Town Manager is responsible for prompt follow-up on any discrepancies and/or payments, and for documenting all correspondence related to such matters.
- By approving an invoice, the Town Manager indicates that the invoice has been reviewed by management for accuracy and recommends a check for payment.

○ Town Management Services firm will ensure that approved invoices will be entered into the accounting system ~~by the Finance Director~~ so that checks may be generated ~~by the Finance Director who prints checks from on pre-numbered blank~~ check stock. ~~(There is no numbered check stock for the Town)~~

○ Check stubs are attached to all paid invoices and paid invoices are filed in folders by month. (such as JAN. 2010 - PAID INVOICES)

○ Authorized signers on the Town of Loxahatchee Groves bank accounts include all members of Town Council.

○ All checks must be signed by two members of the Town Council.

○ The Town Manager will present the invoices and checks to the two authorized signers for their signatures.

○ All signed checks shall be mailed promptly to the respective vendors and original invoices shall be filed.

○ Voided checks will have "VOID" written boldly in ink on the face and have the signature portion of the check torn out. Voided checks will be kept on file.

○ Lost checks over \$35 (or current bank stop payment charge) will have a stop payment applied through the bank. Lost checks under \$35 (or current bank stop payment charge) will be monitored for clearance.

○ Under no circumstances will:

- Invoices be paid unless approved by the Town Manager.
- Blank checks (checks without a date or payee designated) be signed in advance
- Checks be made out to "cash", "bearer", "petty cash", etc.
- Checks be prepared on verbal authorization.

### **BANK RECONCILIATIONS**

▪ Original bank statements will be kept on file at the Town Office. ~~Copies of the bank statements will be forwarded to the Finance Director.~~

▪ The Town Management Services firm ~~Finance Director~~ will reconcile the bank statements monthly.

### **PURCHASING**

▪ All purchasing procedures will be followed as outlined in the Town of Loxahatchee Groves Procurement Code as outlined in Ordinance 2008-09.

### **CONSULTANTS**

- Before contracting for new services, consideration will be made of internal capabilities to perform these same services.
- Written contracts clearly defining work to be performed, terms and conditions will be required for all consultant and contract service agreements.
- The qualifications of the consultant and reasonableness of fees will be considered in hiring consultants.
- Consultants and contractors must provide adequate proof of insurance as deemed necessary by the contract.
- Consultant and/or contractual services will be paid for work completed on a pro-rata basis or as outlined in the contract.
- The Town Manager is responsible for the adherence to all terms and condition of the contracts and to make sure all duties are fulfilled before payment is made to the vendor/contractor.
- Consultants will be evaluated for performance on an annual basis as per the Town Manager's contract.

## PROPERTY

- EQUIPMENT
  - Equipment shall be defined as all items (purchased or donated) with a unit cost of \$1000 or more and a useful life of more than one year.
  - Descriptions and serial numbers of all such equipment shall be recorded and kept in the Town Office fire-proof safe. In addition all equipment shall be **etched asset tagged** to identify ownership as belonging to the Town of Loxahatchee Groves.
  - In case of loss, a police report will be filed and appropriate insurance company notified.
  - An annual physical inventory of fixed assets will be conducted in accordance with Florida Statute 274.02

## INSURANCE

- Reasonable, adequate insurance coverage will be maintained to safeguard the assets of the Town. Such coverage will include property and liability insurance, and other insurance deemed necessary.
- The Town Manager will maintain insurance policies in insurance files at the Town Office.
- All insurance policies shall be kept in the fire-proof safe.

## BOOKS OF ORIGINAL ENTRY

- The Town of Loxahatchee Groves will maintain its accounting records on the accrual basis **at least annually** in a manner that facilitates the preparation of audited financial statements conforming to generally accepted accounting principles, IRS regulations, and GASB (Government Accounting Standards Board).
- Individual monthly financial statements are based on cash basis.
- Adequate documentation will be maintained to support all general **journal** entries.
- At the end of each month, ~~the Finance Director will prepare~~ a Balance Sheet, Check Register, Financial Statements **for all funds** (with budget comparisons) ~~and Gas Tax~~

~~Revenue Records that~~ will be reviewed by the Town Manager and forwarded to the Finance Advisory & Audit Committee.

- The Finance Advisory & Audit Committee will subsequently review the financial statements at their monthly meetings, and make recommendations to the Town Council to either “approve” or “approve as amended” said financials.
- Upon approval by the Town Council, monthly financial statements shall be posted on the Financial Page of the Town Website.

## GRANTS AND CONTRACTS

- The Town Manager will carefully review each award and contract to ensure compliance with all financial and programmatic provisions. The Town Clerk will maintain originals of all grants and contracts in a file.
- The Town Clerk will prepare and maintain on a current basis a Grant/Contract Summary form for each grant or contract awarded to the Town of Loxahatchee Groves. This form shall include the name, address, contact person, and phone number for the funding organization; the time period applicable to expenditures.

## BUDGETS

The Town ~~Management Services firm~~ in consultation with it Town Manager and the Finance Director will prepare the financial budget. This process will begin 3 at least months before the maximum millage needs to be set (July of each year).

The budget will be discussed and presented to the Finance Advisory & Audit Committee, in various workshops leading up to the 1<sup>st</sup> and 2<sup>nd</sup> Budget Hearing of each year.

The ~~Town Management Services firm~~ Finance Director will be responsible for the T.R.I.M. (Truth in Millage) compliance (see T.R.I.M. flowchart).

The Town Clerk will ensure that the budget hearings are properly noticed and that the proposed budget and final approved budget is kept on file.

### **Budget Timeline Tentative:**

May: Create the 1<sup>st</sup> draft for the next fiscal year budget and begin to discuss with the Finance Advisory & Audit Committee as well as each Council Member individually. It is advised that an agenda item be placed on each regular meeting agenda between May 1<sup>st</sup> and the 1<sup>st</sup> budget hearing.

June: The Town will receive its preliminary total taxable property value from the Palm Beach County Property Appraiser’s Office.

July: The Town will receive its final total taxable property value from the Palm Beach County Property Appraiser’s Office. This is the number that will be used on the DR-420 and the number, which in turn will determine the millage used for the preliminary budget.

July: A resolution shall be adopted to set the “maximum” millage rate (the date will be determined by the Property Appraiser’s Office). The date shall be set so that the “maximum” millage will be transmitted to the Property Appraiser’s Office, through the DR 420, in time to be placed on the TRIM Notice.

August: The TRIM Notice is sent out by Palm Beach County Tax Collector’s Office. The notice serves as the legal advertisement for the Town’s 1<sup>st</sup> budget hearing.

- September: The Town will hold its 1<sup>st</sup> and 2<sup>nd</sup> Budget Hearings. The dates shall be coordinated with the Palm Beach County Property Appraiser's Office and cannot be in conflict with the School Board or County Budget hearings. The Town Clerk will be responsible for the legal advertisement of the 2<sup>nd</sup> budget hearing.
- September: Once the Town Council adopts the budget and millage rate, the Finance Director is responsible to submit the final TRIM package to the Florida Department of Revenue and a copy is to be sent to the Palm Beach County Property Appraiser's Office.
- The Town Management Services firm and its Town Manager ~~and the Finance Director~~ will prepare the financial budget annually.
- The Town Clerk will ensure that the final adopted budget is posted to the Town Website.

## OTHER

### MINUTES OF MEETINGS

- The Town Management Services firm ~~Town Clerk or Assistant Town Clerk~~ will prepare accurate minutes of all Finance Advisory & Audit Committee meetings. Approved meeting minutes will be available to the public and posted on the Town website after being signed off by the Chairperson.
- The Town Manager will note all items in the minutes relating to finance and take prompt and appropriate action.

### FINANCIAL PROCEDURES

- Financial procedures will be reviewed annually by the Finance Advisory & Audit Committee. The Town Council must approve changes to the Finance Accounting and Procedures Manual prior to implementation.

### AUDITS

- The Town Council shall contract with an independent auditing firm for a ~~full~~ audit of the Town's financial records annually, to be completed prior to the first March of the following year, whenever possible, subject to mitigating circumstances.
- The Finance Advisory & Audit Committee serves as the Audit committee for the Town per Town Council Resolution 2009-014.

### RECORDS

- All financial records will be retained or destroyed in accordance with Florida General Records Schedule for State and local government agencies.



TOWN OF LOXAHATCHEE GROVES  
OFFICE OF THE TOWN MANAGER  
AGENDA REPORT

**TO:** Mayor and Town Council

**FROM:** Mark A. Kutney, AICP, ICMA-CM

**DATE:** December 28, 2011

**SUBJECT:** Planning and Zoning Request for Town Council Authorization to Prepare A Comprehensive Community Plan for Okeechobee Boulevard

### **I. BACKGROUND/HISTORY**

At the Planning and Zoning Board Meeting of December 8, 2011, the issue of a community plan for Okeechobee Blvd was discussed. Alternate No.1 Board Member Veronica Close made a motion to have the Planning & Zoning Board as a collective body support Chairman Dennis Lipp's recommendation to Town Council to authorize the Planning & Zoning Board to formulate and develop a comprehensive community plan for Okeechobee Boulevard and possible ways of implementing the plan and report back to Town Council with recommendations. Board Member Grace seconded the motion, which passed unanimously (motion carried 5-0).

### **II. DISCUSSION**

Relative to this request of the Planning and Zoning Board, Town Management Staff has identified two (2) major options for Town Council to consider. The first option is to do nothing at this time, and continue to follow the recently adopted Comprehensive Plan. The second option is to declare the need for further study of the Okeechobee corridor. If the second option is chosen, Town Council may decide to proceed based upon two (2) alternatives. The first would be to proceed and authorize the Planning and Zoning Board to perform the study pursuant to their request. The second would be to engage some professional entity to prepare the plan.

### **III. FISCAL IMPACT**

The first option would have no fiscal impact at this time. The second option would have fiscal impacts. Obviously, engaging consultants to prepare a plan would have cost consequences, and

would not be eligible for cost recovery. This effort has not been budgeted for in the current fiscal year budget. However, authorizing the Planning and Zoning Board to prepare a plan would have costs that Staff is not able to quantify at this time. Such could include meeting room costs, Staff costs, production costs etc.

#### **IV. ATTACHMENTS**

None

#### **V. RECOMMENDATION**

The Town Management Staff listened very carefully to discussion and the collective points of view at the December 8, 2011 meeting. Town Management Staff is not convinced that the preparation of a comprehensive community plan for the Okeechobee corridor is needed at this time. Accordingly, Town Management Staff would recommend that Town Council take no action at this time.

#### **VI. ALTERNATE RECOMMENDATION**



**TOWN OF LOXAHATCHEE GROVES  
OFFICE OF THE TOWN MANAGER  
AGENDA REPORT**

**TO:** Mayor and Town Council

**FROM:** Mark A. Kutney, Town Manager, AICP, ICMA-CM

**DATE:** December 28, 2011

**SUBJECT:** Planning and Zoning Request for Attorney Representation

**I. BACKGROUND/HISTORY**

At the Planning and Zoning Board Meeting of December 8, 2011, the issue of Attorney representation was discussed by the Planning and Zoning Board. Alternate No.1 Board Member Veronica Close moved to recommend to Town Council to provide the Board with an attorney until such time as the Planning & Zoning Board feels comfortable that the attorney is not needed at a meeting or for an application. Board Member Lawrence Corning seconded the motion, which passed unanimously (motion carried 5-0).

**II. DISCUSSION**

The Planning and Zoning Board sits as the Local Planning Agency (LPA) for Comprehensive Plan matters. In the transaction of its duties as the Planning & Zoning Board and LPA, the Board functions as an advisory body. During the December 8, 2011 meeting, the Staff opined that Attorney representation for planning and zoning boards and commissions varied throughout the State of Florida and was more an issue of custom and process rather than any specific legal requirement.

**III. FISCAL IMPACT**

The provision of Attorney services for the Planning and Zoning Board will have a fiscal impact as these services were not budgeted for the current fiscal year. The costs of these services are dependent upon filed applications as the Board's meetings are subject to business matters being processed by the Town.

#### **IV. ATTACHMENTS**

None

#### **V. RECOMMENDATION**

Town Management Staff believes that the provision of attorney representation is not a necessity for every Planning and Zoning Board/LPA meeting. Town Management Staff recommends that Town Council continue to follow Ordinance 2011-011 Administrative Assistance. Subsection (1) states: "The Town Manager shall provide such staff and clerical assistance as the Planning and Zoning Board may require for the reasonable performance of its duties...." Further, Subsection (3) states: "The Town Attorney shall provide legal representation to the Board at the request of the Town Manager." Town Management Staff is of the opinion that this matter can be addressed by the Town Manager on a case by case basis and this approach would allow the Town to comport with its "Government Lite" vision.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-003

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; PROVIDING FOR AN EXCEPTION FOR THE DEPOSIT OF LIMITED AMOUNTS OF MANURE AND HORSE BEDDING WHEN SUCH IS TO BE USED FOR BONA FIDE AGRICULTURAL PURPOSES AS DEFINED HEREIN; PROVIDING THAT THE DUMPING OF MANURE AND HORSE BEDDING IN VIOLATION OF THIS ORDINANCE IS A PUBLIC NUISANCE AND URGING THE PALM BEACH COUNTY SHERIFF'S OFFICE TO PURSUE ALL REMEDIES AVAILABLE UNDER SECTION 403.413, FLORIDA STATUTES, FOR DUMPING WITHIN THE TOWN IN VIOLATION OF THIS ORDINANCE; PROVIDING FOR PERMITS FOR HAULERS AND PROPERTY OWNERS; ESTABLISHING FEES AND PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council finds that the dumping of Manure and Horse Bedding, including without limitation from horses and livestock, within the Town has recently increased, creating concerns for public nuisance, and health and safety; and,

WHEREAS, Section 403.413, Florida Statutes, prohibits the dumping of litter, which would include Manure and Horse Bedding, within public rights of way and upon other public lands within the Town, but does not expressly prohibit such dumping on private property when the owner consents unless such will cause a public nuisance or be in violation of any state or local law, rule, or regulation; and,

WHEREAS, the Town Council recognizes that animal Manure and Horse Bedding when used appropriately, including in limited quantities, has a legitimate agricultural nutrient use, and therefore under certain circumstances the depositing of Manure and Horse Bedding intended for bona fide agricultural purposes and in limited quantities should not be prohibited; and,

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2010-003**

**WHEREAS**, the Town Council believes it fair and reasonable for properties owners and persons hauling Manure and Horse Bedding intended for deposit within the Town should obtain a permit from the Town certifying that the quantities of Manure and Horse Bedding being deposited upon a property is limited to the amount necessary for the bona fide agricultural use.

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

**Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** It shall be prohibited for a property owner to permit the depositing of Manure and Horse Bedding onto real property within the Town except when the Manure and Horse Bedding is being used by the property owner for bona fide agricultural purposes in appropriately limited quantities after obtaining a permit from the Town.

**Section 3.** It shall be prohibited for any person to deposit Manure and Horse Bedding on any property within the Town, regardless of the consent of the property owner, unless such person, and the property owner, has obtained a permit from the Town confirming that the Manure and Horse Bedding is to be used for bona fide agricultural purposes; and, in no case may the amount of Manure and Horse Bedding deposited exceed the amount set forth in the permit issued to the Property Owner by the Town. The determination of the appropriate quantity of Manure and Horse Bedding for use for bona fide agricultural purposes shall be based upon uses and custom associated with the specific agricultural use on the property, which may include recognized formulas of government agencies or published studies.

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2010-003

**Section 4.** Notwithstanding the issuance of a permit, the depositing of manure and horse bedding shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on Mondays through Saturdays, and prohibited at all times on Sundays.

**Section 5.** The Town Council hereby finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes.

**Section 6.** The Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes. In such instances, the fine shall be \$250 for the initial violation and \$500 for each subsequent violation, with each load or each day being a separate violation.

**Section 7.** Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town shall be suspended and all Manure and Horse Bedding deposit activity stopped until such time as a hearing is conducted or the fines paid. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.

**Section 8.** Permits shall be obtained by both property owners and transporters from the Town.

a. Property Owners shall obtain a permit from the Town for each use of manure or horse bedding, regardless of the number of loads, during which time the Property Owner shall

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2010-003**

advise in writing the volume being used under the permit and the transporter for the material, and will certify that the manure or horse bedding is being used for bona fide agricultural purposes and that they have verified that the transporter for the materials has a permit from the Town. One of the conditions on the issuance of a permit to a property owner is that it shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit. There shall be no charge for a Property Owner Permit.

b. Transporters shall obtain an annual permit from the Town for the deposit of Manure and Horse Bedding within the Town. In obtaining the permit, the transporter will acknowledge that it is aware of the Town's regulations relating to the deposit of manure and horse bedding, and that it will confirm upon receipt of a request for materials from a property owner within the Town that the purpose for such manure and horse bedding is for bona fide agricultural purposes, and that the property owner has obtained the necessary permit from the Town. All permits for transporters shall expire each September 30 regardless of the date of issuance. Transporters are responsible for the timely renewal of its annual permit. The annual permit fee shall be \$500.00, which may be adjusted by the Town Council by resolution.

**Section 9.** As used in this ordinance "bona fide agricultural purposes" means farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee and aquaculture, consistent with Section 823.14, Florida Statutes (Right to Farm) and Section 570.02, Florida Statutes (Agriculture).

**Section 10. Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-003

**Section 11. 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.

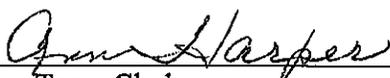
**Section 12. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 16th DAY OF March, 2010.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 6th DAY OF April, 2010.

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

ATTEST:

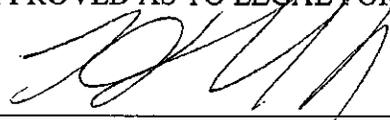
  
Town Clerk

  
Mayor

  
Vice Mayor

  
Council Member

APPROVED AS TO LEGAL FORM:

  
Town Attorney

  
Council Member

  
Council Member