

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY LAND DESIGN SOUTH, DESIGNATED AGENT FOR THE APPLICANT, ATLANTIC LAND INVESTMENTS, LLC, THE CONTRACT PURCHASER FOR PROPERTY OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND RURAL RESIDENTIAL 5 LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 97 ACRES LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.2B); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; 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, adopted a Comprehensive Plan which has been submitted to, and found to be "in compliance" by, the State Department of Community Affairs (DCA); and,

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WHEREAS, as a result of a pending administrative challenge to the Town's adopted Comprehensive Plan, the Town Council adopted Ordinance 2011-003 to amend the then-effective comprehensive plan, which was the Palm Beach County Comprehensive Plan, to amend the land use of the Property described herein;

WHEREAS, on July 28, 2011, the DCA issued its Final Order in the administrative challenge, ordering that the Town's adopted plan be "in compliance," and the Town's adopted Comprehensive Plan became effective on August 19, 2011; and,

WHEREAS, the DCA has advised that due to the Town's adopted Comprehensive Plan coming into effect and the conclusion of the administrative challenge, the Town should proceed to adopt an ordinance to rescind Ordinance 2011-003 (to be considered by the Town Council as Ordinance 2011-14), as the amendment to the Palm Beach County Comprehensive Plan as it applied to the Town had not come into effect and needs not to do so, and a separate ordinance should be adopted to amend the Town's adopted Comprehensive Plan to include amendments approved as to the previously effective Town Comprehensive Plan; and,

WHEREAS, upon adoption of an ordinance rescinding Ordinance 2011-003, and the adoption of this Ordinance to amend the Town's adopted Comprehensive Plan relating to the Applicant's Property, the DCA will review the amendment to the Town's adopted Comprehensive Plan; and,

WHEREAS, the Town's Planning Consultant recommends approval of the Land Use Amendment Application on Applicant's Property from the Rural 5 Land Use Category to the

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Multiple Land Use Category, which would incorporate land uses for Commercial Low, Commercial Low-Office and Rural Residential 5 within a Unified Development Plan as set forth in a report to the Town Council, setting forth recommendations and conditions, which report is incorporated herein; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted the required public hearing on this Amendment to the Town of Loxahatchee Groves adopted Comprehensive Plan; and,

WHEREAS, the reports, records, and materials from the public hearings to adopt Ordinance 2011-003 are incorporated herein and relied upon by the Town Council to the extent not inconsistent with this Ordinance; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has deemed it to be in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt an Amendment to the Town's Adopted Comprehensive Plan in accordance with Chapter 163, Florida Statutes, concerning a Land Use Plan Amendment proposed by Atlantic Land Investments, LLC, the contract purchaser of property owned by Ernest G. Simon, as Trustee of Trusts "A" and "B" u/w/o Alexander Abraham Simon, represented by Land Design South, to change the designation of the subject use of land from Rural Residential (1 du/ 5 ac) in the Town's adopted Comprehensive Plan to the Multiple Land Use Category, as recommended by the Town's Planning Consultant, to incorporate Commercial Low, Commercial Low-Office, and Rural Residential 5 land uses within a Unified Development Plan to accommodate the future

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development on 97 acres of land, for the property located at the northwest corner of Southern Boulevard and "B" Road, Loxahatchee Groves, Florida.

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

SECTION 1: 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.

SECTION 2: The Town Council has reviewed the application 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: The Town Council approves and adopts the recommendations of the Town's Planning Consultant, which are incorporated herein.

SECTION 4: The Land Use Plan Amendment to the adopted Comprehensive Plan of the Town of Loxahatchee Groves (Amendment No. 11-1.2B) approved by the Town

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Council, changing the land use from Rural Residential 5 (1 du/ 5 ac) in the Town's adopted Comprehensive Plan to the Multiple Land Use Category, to include Commercial Low, Commercial Low-Office and Rural Residential 5, is hereby adopted. This Amendment shall be construed as permitting a maximum of 91,476 sq. ft. of commercial retail, a maximum of 130,000 sq. ft. of commercial office and 19 residential units on 97 acres of land, subject to the conditions of the Planning Consultant's Report, which is adopted and approved.

SECTION 5: The Town's Planning Consultant is further authorized and directed to make the necessary textual changes to the Future Land Use element of the Town's Adopted 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 as provided by law.

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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 6th DAY OF September, 2011

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 20th DAY OF September, 2011

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:



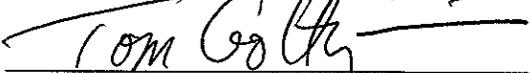
Ann Harper, Town Clerk



Mayor David Browning

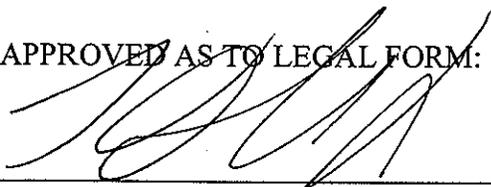


Vice Mayor Ryan Liang

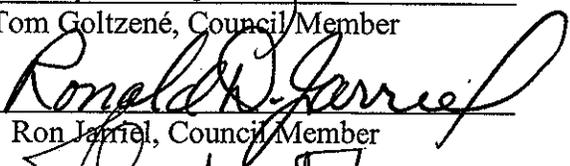


Tom Goltzené, Council Member

APPROVED AS TO LEGAL FORM:



Michael D. Cirullo, Jr., Town Attorney



Ron Jarriel, Council Member



Jim Rockett, Council Member