

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 21.73 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town's Unified Land Development Code (ULDC), including the designation of zoning districts in the Town, consistent with the Town's Comprehensive Plan; and,

WHEREAS, on November 20, 2012, the Town adopted Ordinance 2012-08 which created a new zoning category, entitled Planned Unit Development ("PUD"), to facilitate development on property that exceeds expectations of standard zoning districts, implements the Town's Comprehensive Plan, and to allow for creative use of land and quality development; and,

WHEREAS, the Property Owner, Ernest G. Simon, as Trustee of Trusts "A" and "B" w/w/o Alexander Abraham Simon, has submitted petition REZ 2013-01 to rezone certain property located at the northwest corner of Southern Boulevard, and "B" Road, Loxahatchee Groves, Florida, totaling approximately 21.73 acres, more or less, legally described and as designated on the map in Exhibit "A", attached hereto (the "Property"), from Loxahatchee Groves zoning designation Agricultural Residential (AR) to the Loxahatchee Groves

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zoning designation of Commercial Low Planned Unit Development (CL/PUD); and,

WHEREAS, at its meeting of April 24, 2013, the Town's Recreation Equestrian Trails and Greenways Advisory Committee (RETGAC), considered petition REZ 2013-01 to rezone the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, at its meetings of June 13, 2013 and August 14, 2014, the Town's Planning and Zoning Board (PZB) considered petition REZ 2013-01 to rezone the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, at its meeting of November 5, 2013, the Town Council approved REZ 2013-01 on First Reading to rezone the Property subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

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

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered petition REZ 2013-01 for rezoning, the recommendation of the RETGAC, the PZB, Town Staff, and the comments from the public; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 166, Florida Statutes, is

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authorized and empowered to consider petitions relating to the rezoning of property within the Town; and

WHEREAS, the Council, pursuant to Section 160-020 (Review criteria; Town Council action) of the Town of Loxahatchee Groves Unified Land Development Code and Town Ordinance 2012-08 (Planned Unit Development) is authorized and empowered to consider, approve, approve with conditions PUD rezoning petitions;

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

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.

Section 2. The Town Council has considered the findings in the Staff Report dated January 10, 2015 and the Town RETGAC and LPA recommendations and makes the following findings of fact:

1. The Town Council finds petition REZ 2013-01 to be generally consistent with the intent and direction of the Comprehensive Plan, the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) of the Town of Loxahatchee Groves Unified Land Development Regulations and the objectives and standards of a Planned Unit Development, as depicted in Town of Loxahatchee Groves Ordinance 2012-08.

2. To insure consistency with the Comprehensive Plan and land development regulations, and the results of the various studies and analysis completed in the review of rezoning petition REZ 2013-01, certain conditions of approval are necessary.

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Section 3. The zoning of the property located at the northwest corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 21.73 acres, more or less, legally described, and as designated on the map, in Exhibit “A”, attached hereto, from Town of Loxahatchee Groves zoning designation Agricultural Residential (AR) to the Town of Loxahatchee Groves zoning designation of Commercial Low Planned Unit Development (CL/PUD) is hereby approved subject to the Final Conceptual Master Plan, dated December 12, 2014 and Conditions of Approval in Exhibit “B”, attached hereto.

Section 4. The Town Administration is hereby authorized and directed to make appropriate changes on the zoning map of the Town, to effectuate the purpose of this ordinance.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portion or applications remaining in full force and effect.

Section 6. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 7. This Ordinance shall take effect as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5th DAY OF NOVEMBER, 2013.

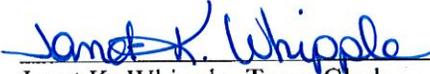
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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
17th DAY OF February, 2015.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

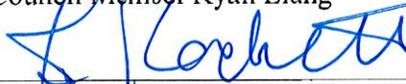

Janet K. Whipple, Town Clerk

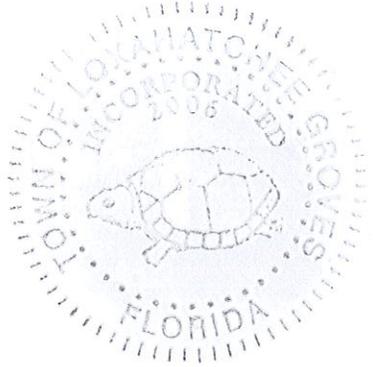

Mayor David Browning


Vice-Mayor Ron Jarriel

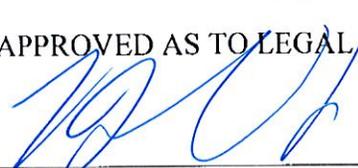
absent
Council Member Tom Goltzené


Council Member Ryan Liang


Council Member Jim Rockett



APPROVED AS TO LEGAL FORM:


Office of the Town Attorney

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EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Ordinance 2013-09:

Parcel Control Number: 41-41-43-31-09-000-0020

LOT 2, SIMON TRUST BOUNDARY PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 116, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

LOCATION MAP

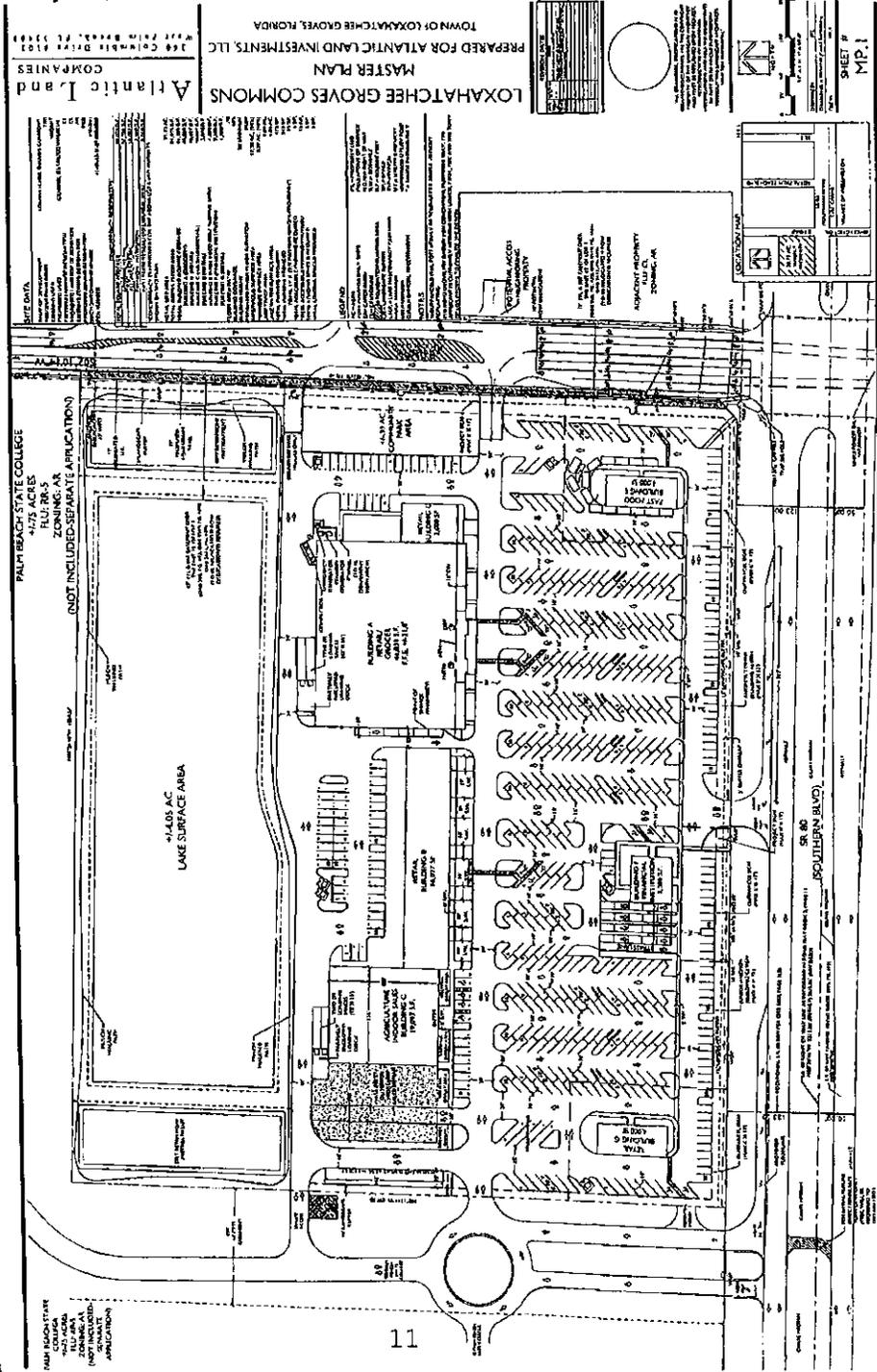
TOWN OF LOXAHATCHEE GROVES

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EXHIBIT B
LOXAHATCHEE GROVES COMMONS
FINAL CONCEPTUAL MASTER PLAN AND CONDITIONS OF APPROVAL

ATTACHMENT B

July 22, 2014 First Revision of the Conceptual Master Plan



REZ 2013-01
 Loxahatchee Groves Commons CL/PUD Rezoning
 January 10, 2015

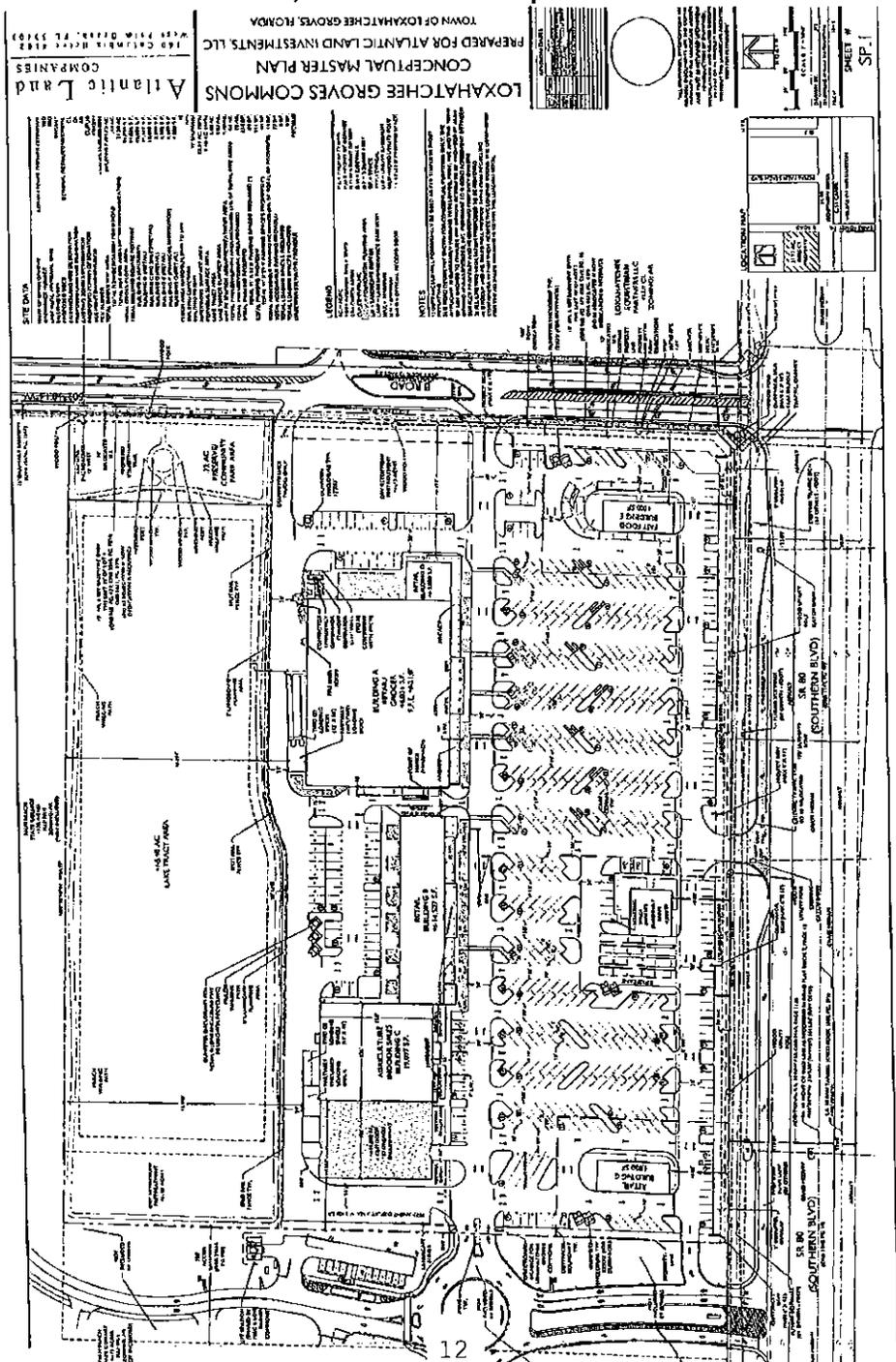
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FINAL CONCEPTUAL MASTER PLAN

ATTACHMENT C

December 12, 2014 Final Conceptual Master Plan



REZ 2013-01
 Loxahatchee Groves Commons CL/PUD Rezoning
 January 10, 2015

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Final Conditions of Approval per First Reading of Ordinance 2013-09

A. GENERAL

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

2. Final site plans shall conform to the Site Plan (Final Conceptual Master Plan) dated ~~October 16, 2013~~ December 12, 2014 and the Statement of Use dated ~~October 17, 2013~~ July 22, 2014 and included as Attachment J2 of the CL/PUD Rezoning Application REZ 2013-01, or amendments thereto approved by the Town Council. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

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

4. Cross access shall be provided to the Palm Beach State College property, as indicated on the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014, or amendments thereto approved by the Town Council.

5. Prior to submitting an initial final site plan approval application and all subsequent final site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the final site plan application(s).

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 94,655 sq. ft. of commercial low uses consistent with the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014.

2. Bars and night clubs are prohibited.

3. The initial site plan submitted for the development shall include the ~~6.45~~ 5.40 acre Lake Tract Area, and ~~0.50~~ 0.72 acre Preserve/Community Park, including an equestrian trail as shown on the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014.

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

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

C. ENGINEERING

1. Consistent with Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no Building Permits, for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

3. No Building Permits shall be issued until construction commences for a south approach left turn lane on B Road at the project's first access connection north of the terminus for the traffic separator. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

4. No Building Permits shall be issued until construction commences for east approach right turn lanes on Southern Boulevard at each of the project access connections. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

5. B Road shall be constructed as a 2-lane paved roadway, including a traffic separator, from Southern Boulevard north to the B Road entrance to Palm Beach State College, according to the terms of the ~~three party agreement~~ B Road Improvement Agreement ~~dated November x, 2013~~ ("B Road Agreement") between the property owner, Palm Beach State College, ~~and the owner of the Groves Town Center property, and the Town of Loxahatchee Groves. Prior to becoming effective, the "B Road Agreement" shall be approved by the Loxahatchee Groves Town Council.~~

6. Funds in lieu of construction of B Road as a 2-lane OGEM roadway surface between the northern terminus of the 2-lane paved roadway, including Collecting Canal bridge/culvert improvements, to Okeechobee Boulevard, ~~shall~~ may be deposited in an escrow account according to the terms of the ~~three party agreement dated November x, 2013~~ "B Road Agreement" between the property owner, Palm Beach State College, ~~and the owner of the Groves Town Center property, and the Town of Loxahatchee Groves.~~ Construction of this section of "B" Road shall be subject to the requirements of the Town of Loxahatchee Groves.

7. Construction of paved road improvements cited in Condition C.5, above, shall be concurrent with the paving and drainage improvements for the site, Palm Beach State College, or Groves Town Center, whichever occurs first. Any and all costs associated with the construction shall be paid according to the terms established in the ~~above referenced agreement~~ "B Road

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~~Agreement” with Palm Beach State College and the Owner of the Groves Town Center property.~~ These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

8. Construction pursuant to Condition C.6 shall be according to a schedule established by the Town. Any and all costs apportioned to the Project shall be paid ~~to an escrow account established for this purpose~~ according to the terms established in the “B Road Agreement”, ~~above referenced agreement with Palm Beach State College and the Owner of the Groves Town Center property.~~ Costs, assuming construction on the existing unpaved roadway section, shall include roadway design, permitting, construction and inspection.

9. Any future request to modify Condition C.1 must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

10. The northernmost project driveway along “B” Road shall be channelized and limited to right turn only traffic exiting the property.

11. Any future realignment of either or both of the “B” Road access drives shall require approval by the Town’s Consulting Engineer.

D. LAND CLEARING AND LANDSCAPING

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

2. In conjunction with an initial site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85.

3. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities, a Phase 1 Archaeological Survey of the property shall be completed.

5. Native plants shall be retained to the extent possible.

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trail depicted on the Final Conceptual Master Plan shall include a connector along “B” Road, inside of the “B” Road right-of-way, to facilitate cross-access with the Palm Beach County State College property, as stated in the “B Road Agreement”.

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2. As part of the joint traffic improvements effort detailed in Section C:
 - (a) Equestrian traffic control devices shall be installed at points where trails cross "B" Road and/or Collecting Canal. The type and locations of such devices shall be addressed in the ~~three-party agreement~~ "B Road Agreement" per Condition C.6.
 - (b) "Local traffic only" signage, as addressed in the "B Road Agreement", shall be placed on "B" Road north of the Palm Beach State College entrance.
 - (c) The feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Crestwood Boulevard or Folsom Road shall be addressed in the ~~three-party agreement~~ "B Road Agreement" per Condition C.5. If feasible, the applicant, along with Palm Beach State College and the owner of the Groves Town Center property shall share any associated costs of placing and constructing the signage.
3. Fencing shall be incorporated on the initial site plan to separate the equestrian trails from commercial buildings and parking areas, as necessary. Also, shade trees shall be incorporated along the trail route.
4. Equestrian trails shall comply with the Town design and sign guidelines.

F. ARCHITECTURAL

Architectural elevations for initial buildings, as well as a theme for the entire Loxahatchee Groves Commons development, shall be submitted with the application for initial site plan approval. Elevations for subsequent buildings shall be reviewed and approved by the Town Manager for consistency with said architectural theme. The Town Manager may refer subsequent building elevations to the Town Council for approval if he determines that an inconsistency with the approved architectural theme is proposed. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases shall be consistent with the architectural elevations included as part of the initial site plan approval.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

1. A waiver to Section 95-025: "*Size of parking spaces*" of the ULDC is granted, as follows: A minimum of ~~ninety-one (91)~~ eighty-six (86) spaces shall be provided at the standard parking space size of eleven feet by twenty-two and one-half feet (11.5' x 22') with twenty-eight foot (28') wide drive aisles. The balance of the spaces shall be provided at a minimum ten feet by twenty feet (10' x 20') with drive aisles twenty-six feet (26') in width.

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~~2. A waiver to Section 55-010: “*Separation requirements*” of the Unified Land Development Code (ULDC) for alcoholic beverage establishments, as defined in Section 10-015 of the ULDC, is granted eliminating the 750 foot separation requirement as it may specifically pertain to the location of a single beer, wine and alcohol package liquor sales store, not to allow on-site consumption, and any future education center buildings located on the adjacent Palm Beach State College property.~~

2. A waiver to Section 25-010 (D) (1) “*Mobility and Storage*” of the ULDC is granted to allow outdoor display of merchandise for sale on a 24 hours per day basis only in the following locations: (a) The screened outdoor storage and display area adjacent to the Agricultural Indoor Sales Building (Building C); and (b) the unscreened outdoor display area located to the west and south of the screened outdoor storage area .

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EXHIBIT A

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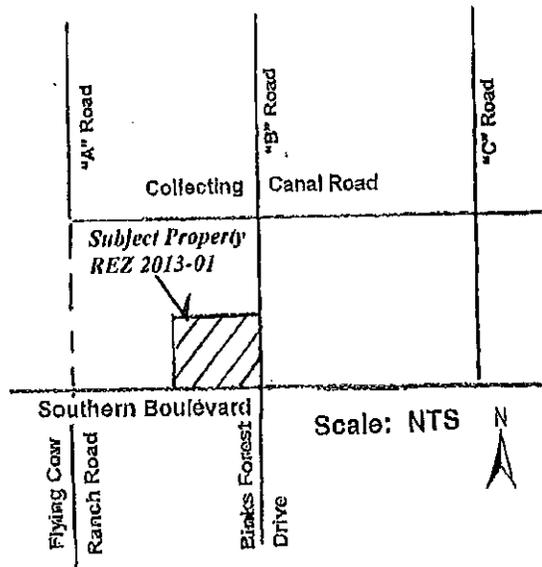
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SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

LOCATION MAP



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FINAL CONCEPTUAL MASTER PLAN

