

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 14-2(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 TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 9.3 ACRES OF COMMERCIAL USES 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 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 Future Land Use Category to the Commercial Low Future Land Use Category, 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 attached hereto as "Exhibit "A", and incorporated herein; and,

WHEREAS, the Applicant will execute and record a Restrictive Covenant in favor of the Town that limit the commercial development of the subject property to a maximum of 30,000 square feet of floor area, but which would automatically increase to whatever floor area ratio

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may subsequently be granted by the Town Council to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits; and

WHEREAS, the Town's Planning Consultant recommends the submittal of a courtesy copy 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 October 23, 2014, 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; 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.

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 Comprehensive Plan;

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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 insure that necessary services for the additional demand for public facilities are provided.

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. 14-2(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 5 (1 du/ 5 ac) in the Town's Comprehensive Plan to Commercial Low in the Town's Comprehensive Plan, is hereby adopted, subject to the conditions in the Town Planning Consultant's Report dated October 24, 2014, attached hereto as Exhibit "A" and incorporated herein, and which shall become effective upon the expiration of a twenty-one (21) day appeal period.

SECTION 5: Through a Restrictive covenant in favor of the Town, the commercial development shall be limited to a maximum of 30,000 square feet of commercial uses, but which would automatically increase to whatever floor area ratio may subsequently be granted by the Town Council to any other Commercial Low designated property fronting on Okeechobee Boulevard lying within the Town limits.

SECTION 6: That 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 Comprehensive Plan, as well as the changes to the Future Land Use Map in the plan per Exhibit B and C hereto, in order to reflect the above-stated changes consistent with this Ordinance.

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SECTION 7: 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 8: 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 effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

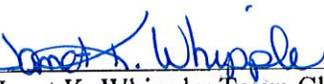
SECTION 9: This Ordinance shall become effective immediately upon the expiration of a twenty-one (21) day appeal period.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 4th DAY OF NOVEMBER, 2014.

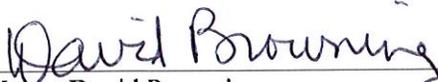
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 18th DAY OF NOVEMBER, 2014.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

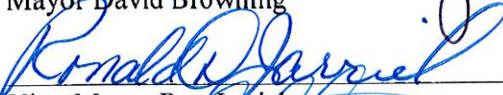
ATTEST:



Janet K. Whipple, Town Clerk



Mayor David Browning



Vice-Mayor Ron Jarriel



Council Member Tom Goltzené

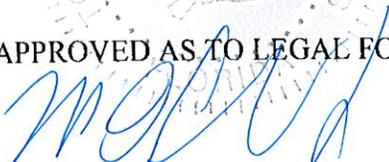


Council Member Ryan Liang



Council Member Jim Rockett

APPROVED AS TO LEGAL FORM:



Office of the Town Attorney



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EXHIBIT A

**OCTOBER 24, 2014 TOWN PLANNING CONSULTANT REPORT
(Following Page)**

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**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MEETING
November 4, 2014**

STAFF REPORT October 24, 2014

- 1. Ordinance 2014-06: Small-Scale Comprehensive Plan Amendment (CPA) 14-2(SS); and**
- 2. Ordinance 2014-07: Rezoning (REZ) 14-2.**

Project Name: Day Property

Agent: Urban Design Kilday Studios

Applicant: Willie and Frankie Day

Owners: 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.

Current FLU Map Designation: Rural Residential 5 (RR5).

Current Zoning Map Designation: Agricultural Residential (AR).

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

Proposed Land Use Designation: Commercial Low (CL).

Proposed Zoning Designation: Commercial Low (CL).

Maximum Proposed Development Potential: 30,000 sq. ft. of CL space (9.30 acres x 43,560 sq. ft. per acre x 0.074 FAR)

History of the Application

The Comprehensive Plan Amendment application (CPA 2011-02 SS), as initially submitted, requested a change in the future land use designation from a Rural Residential 5 (RR 5) designation to a combination of Commercial Low (4.96 acres) and Commercial Low Office (4.34 acres). A companion rezoning application was not submitted at that time.

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Following a review of the initial application and presentation to the Local Planning Agency (LPA), staff found Future Land Use Amendment 2011-02(SS) to be generally consistent with the intent and direction of the Comprehensive Plan. However to insure consistency with the Town's planning documents and its review, staff recommended approval subject to several conditions of approval.

The Town's Local Planning Agency (LPA), at its meeting of December 8, 2011, recommended that Town Council approve Amendment 2011-02(SS), by a 3- 2 vote, subject to two additional conditions of approval.

Town Council, at its meeting of January 3, 2012, voted on first reading to approve Amendment 2011-02(SS) (i.e. Ordinance 2012-01) by a 3-2 vote. (NOTE: Final approval of a Comprehensive Plan Amendment, per the Town's Charter, requires a minimum of 4 votes of the Town Council).

Among the issues discussed at the Council meeting were the intensity of development, proposed two-story height on some of the buildings, the irregular delineation of the two commercial parcels and the general appropriateness of commercial development.

Following the January 3rd Town Council meeting, and in response to the issues discussed, the applicant revised the application. The application, as revised in March 2012, requested a change in the current RR5 land use designation to a single commercial category on the entire parcel - Commercial Low. The revision required that the application be returned to Town Council for first reading.

Town Council, at its meeting of April 3, 2012, considered a motion to approve Amendment 2011-02(SS) on first reading. The motion failed by a 2-2 vote.

Following the April 2012 Town Council vote, the Applicant filed a lawsuit which, among other things, sought judicial review of the Council's decision to deny the proposed land use amendment. A proposed settlement agreement was reached whereby the applicant would simultaneously file, and the Town to simultaneously process Commercial Low (CL) Small-Scale Future Land Use Map and Zoning Map amendment applications.

The Local Planning Agency, at its meeting of October 23, 2014, recommended approval CPA Amendment 2014-02(SS) on first reading, subject to conditions recommended by Staff. The motion passed by a 5 - 0 vote. The Planning and Zoning Board, at its meeting of October 23, 2014, recommended approval REZ Amendment 2014-02 on first reading, subject to conditions recommended by Staff. The motion passed by a 5 - 0 vote.

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Current Applications Summary

Consistent with the Settlement Agreement, applications have been filed requesting changes to the Future Land Use Map (FLUM) designation of Rural Residential 5 and the Zoning Map designation of Agricultural Residential (AR) to FLUM and Zoning Map designations of Commercial Low.

Staff Findings and Recommendations

Proposed FLUM (text and map) and Zoning Map amendments are presented in Attachments A1, A2 and B1. Following a review of the applications, Town staff finds Amendments CPA 2014-02 and REZ 2014-02 to be generally consistent with the intent of the Comprehensive Plan, direction provided by the August 2014 Settlement Agreement and rezoning criteria, as stated in Section 160-020(A) (1) – (6) of the Unified Land Development Code (ULDC). Based upon these findings, staff recommends the following:

A. Approval of FLUM Amendment Application CPA 2014-02(SS) subject to the following conditions:

1. The applicant shall record a Deed Restriction which will provide that the Intensity of development shall not exceed a floor-area-ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of commercial low intensity uses; provided that this restriction would automatically increase to whatever F.A.R. may be subsequently granted by the Town Council to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.
2. A Conceptual Site Plan reflecting a 0.074 F.A.R. shall be approved as part of the initial rezoning process. Subject to potential future F.A.R. increases permitted by Condition A.1, all future development uses, access and intensity shall be consistent with the Conceptual Site Plan.
3. Any increase in development intensity above a 0.074 F.A.R., as permitted in Condition A.1, shall be processed through the Town's site plan or site plan amendment approval process, as appropriate.

B. Approval of Rezoning Application REZ 2014-02 subject to the following conditions:

1. A County Traffic Performance Standards (TPS) review, including a concurrency determination, shall be completed at the time of site plan review, when a specific plan of development is proposed, in order to establish traffic-based building potential and the timing thereof.
2. Building height shall be limited to one story.

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3. The Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the design of the development at the time of site plan approval.
4. Incorporation of on-site connectivity with the Red Barn commercial property to the west within the design of the project shall be investigated ~~at the time of~~ prior to site plan approval (NOTE: Includes P & Z Board recommended change).
5. Incorporation of a Palm Tran bus shelter within the design of the project shall be investigated ~~at the time of~~ prior to site plan approval (NOTE: Includes P & Z Board recommended change).
6. A vegetative survey, including a Slash Pine inventory, shall be completed at the time of site plan approval, including identification of a Slash Pine preservation program.
7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be filed with the Town.
8. Prior to submitting a site plan application, the Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee shall be consulted regarding the feasibility of incorporating equestrian facilities within the development program.

Local Planning Agency (LPA) Recommendation

The LPA and Planning and Zoning Board (PZB), at their meetings of October 23 2014, recommended that the Council approve with conditions CPA Amendment 2014-02(SS) (LPA) and REZ Amendment 2014-02 (PZB) each by an 5 - 0 vote.

Town Council Action

First Readings of ordinances to consider proposed CPA Amendment 2014-02(SS) and REZ Amendment 2014-032 are scheduled for the November 4, 2014 Town Council meeting.

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Staff Review 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 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 (Intensity - 0.162 F.A.R.).	Rural Residential 5 FLU and Agricultural Residential AR zoning. Legal non-conforming use (MUPD approval by Palm Beach County)

B. Infrastructure Impacts

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. Applicant to 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

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

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D. Comprehensive Plan Consistency

The following is a summary of Loxahatchee Groves Comprehensive Plan policies determined to be pertinent to the consideration of proposed amendments CPA 2014-02 and REZ 2014-02:

1. 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 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.

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.

2. 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.

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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.

3. Housing Element:

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 amendments CPA 2014-02 (SS) and REZ 2014-02 are generally consistent with the Comprehensive Plan in that the proposals 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 the non-residential intensity (i.e. 0.074 floor-area-ratio) to less than the maximum defined to reflect the Town's rural character (i.e. 0.10 F.A.R.).
- Assist in providing accessible commercial services to 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, services proximate to residences.
- Not result in urban sprawl, as further discussed in Section VIII.C of the Staff Report.

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Additional consistency with the Comprehensive Plan can be established by determining the feasibility of incorporating the following within the development concept:

- On-site connectivity with the Red Barn commercial property to the west.
- An on-site bus shelter.

E. Zoning Requirements: CL Zoning District

Regulation	Standard	Property Complies?
Minimum lot size	1 acre	Yes
Frontage and Access	Paved Collector or Arterial	Yes
Minimum frontage/width	150 feet	Yes
Minimum depth	150 feet	Yes
Maximum Floor-Area-Ratio	0.10	Yes/Conceptual Site Plan*
Maximum building and roofed structures lot coverage	25%	Yes/Conceptual Site Plan*
Front setback	50 feet	Yes/Conceptual Site Plan*
Side setback	25 feet	Yes/Conceptual Site Plan*
Side street setback	25 feet	Yes/Conceptual Site Plan*
Rear setback	50 feet	Yes/Conceptual Site Plan*
Minimum pervious area	30%	To be determined at Site Plan
Maximum building height	35 feet	To be determined at Site Plan

* - Ref: Attachment B2.

F. ULDC Section 160-020 Rezoning Criteria

A rezoning petition is reviewed in accordance with the following criteria:

1. Must comply with both of the following:

Criterion	Can Property Comply?
Consistency with the Comprehensive Plan	Yes – See Section D Above
Approval would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts.	Yes – Other properties may apply for zoning. Adjacent property to the west has a commercial zoning approval from Palm Beach County

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2. Must comply with one or more of the following:

Criterion	Can Property Comply?
An error or ambiguity must be corrected	Not Applicable
There exist changed or changing conditions which make the approval of the request appropriate.	No
Substantial reasons exist why the property cannot be used in accordance with the existing zoning.	No - Property can be developed under the AR Zoning District.
The rezoning is appropriate for the orderly development of the Town and is compatible with existing and conforming adjacent land uses, and planned adjacent land uses.	Yes – The rezoning is consistent with Comprehensive Plan (Ref: Section D) The property adjacent to the west is developed for commercial purposes. The property is bordered by a County Urban Collector (Okeechobee Blvd.) and a Town Urban Local Road (Folsom Road).

G. ULDC Section 110-025(B). Minimum required information.

Requirement	Response
Vehicular and pedestrian access	Property is bordered by two paved roads: Okeechobee Boulevard and Folsom road. Potential access available from each of these roads. No approved site plan at this time.
On-site circulation	To be defined at the time of site plan approval.
Parking	To be quantified and sited at the time of site plan approval.
Proposed roadway or easement vacations or road closures	None at this time
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	To be determined at the time of site plan approval, including Traffic Performance Standards (TPS) review and Concurrency determination by Palm Beach County.

H. Compatibility

An inventory of existing adjacent land uses is presented in Section A and summarized as follows: North - Okeechobee Boulevard (120-foot ultimate right-of-way), a designated County Urban Collector; South - Folsom Farms, a 9.4 acre commercial landscape nursery; East - Folsom Road, a paved designated Urban Local Road; and West - the Red Barn, a 35,000 sq. ft. retail commercial center with a 0.165 floor-area-ratio.

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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 complement 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) is 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 CL Future Land Use and Zoning designations (maximum intensity of 0.10 F.A.R.) provide the Town with an opportunity to establish a rural-style commercial node at the intersection of Okeechobee Boulevard and Folsom Road. CPA Amendment 2012-02 will further reduce the intensity to an F.A.R. of 0.074.

Implementation of Comprehensive Plan directives regarding compatibility with neighboring properties and incorporation of Rural Vista Guidelines architectural, buffering and screening techniques within the design concept can be used as the basis to insure compatibility.

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ATTACHMENT A1 - FUTURE LAND USE ELEMENT
TEXT AMENDMENT 2014-02(SS)
DAY PROPERTY

1. Amendment of Special Policy 1.15.3 to the Future Land Use Element to limit the uses and intensity of development on the subject property and incorporate staff/LPA recommendations.

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

1.15.3 Special Policy: Reserved.

Land use and 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: (a) The applicant shall record a Deed Restriction which shall provide that the Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of commercial low intensity uses; and (b) this restriction shall automatically increase to whatever F.A.R. may be subsequently granted by the Town Council to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.

(1). A Conceptual Site Plan reflecting the 0.074 F.A.R. shall be approved as part of the initial rezoning approval. Subject to potential future F.A.R. increases permitted by Special Policy 1.15.3(b), development uses, access and intensity shall be consistent with the Conceptual Site Plan.

(2). Any increase in development intensity above a 0.074 F.A.R., as permitted in Special Policy 1.15.3(b), shall be processed through the Town's site plan or site plan amendment approval process, as appropriate.

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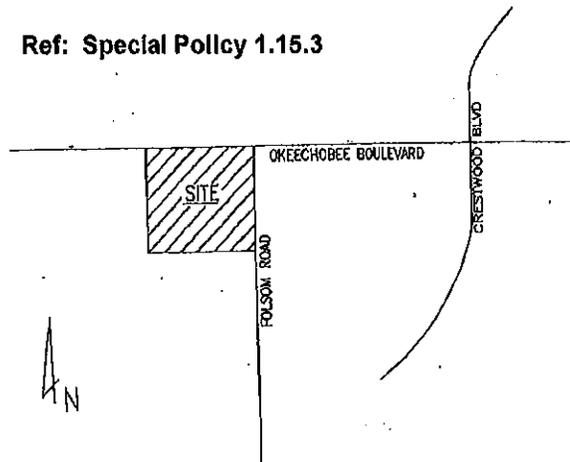
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**ATTACHMENT A2 - FUTURE LAND USE ELEMENT
MAP AMENDMENT 2014-02(SS)
DAY PROPERTY
(Ref: Following Page)**

1. Assignment of Special Policy 1.15.3 and the CL future land use category to the subject site on Future Land Use Map FLU-1.10, as illustrated below.

**Parcel Size: 9.30 Acres
From: Rural Residential 5 (RR 5)
To: Commercial Low (CL)**

Ref: Special Policy 1.15.3

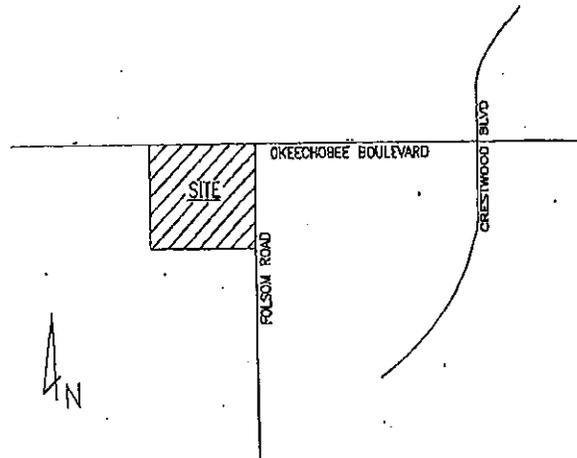


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**ATTACHMENT B1
ZONING MAP AMENDMENT 2014-02(SS)
DAY PROPERTY**

**Parcel Size: 9.30 Acres
From: Agricultural Residential (AR)
To: Commercial Low (CL)**



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**ATTACHMENT B2
DAY PROPERTY
ZONING CONDITIONS OF APPROVAL AND CONCEPTUAL SITE PLAN**

A. Conditions of Approval

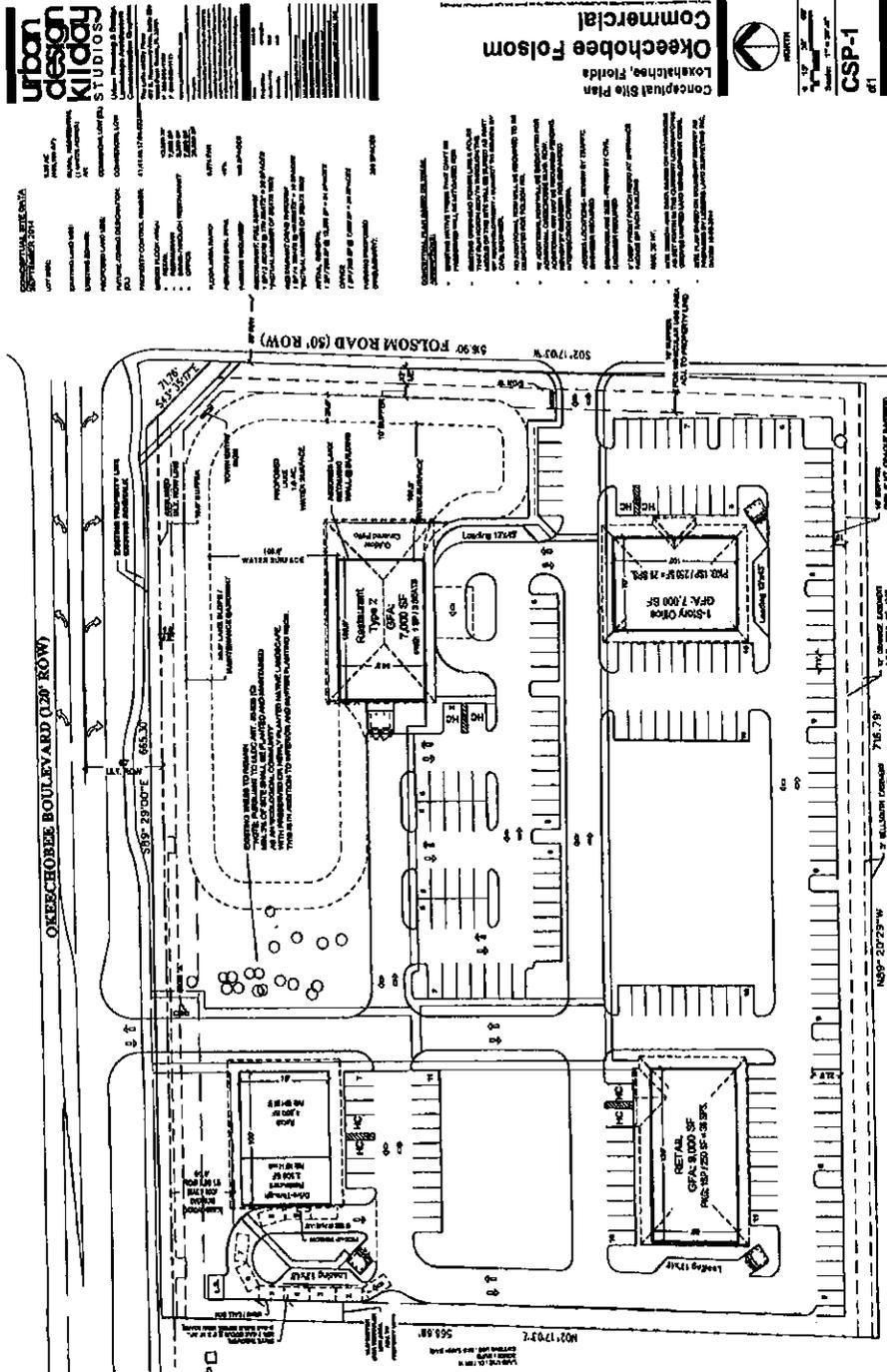
1. A County Traffic Performance Standards (TPS) review, including a concurrency determination, shall be completed at the time of site plan review, when a specific plan of development is proposed, in order to establish traffic-based building potential and the timing thereof.
2. Building height shall be limited to one story.
3. The Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the design of the development at the time of site plan approval.
4. Incorporation of on-site connectivity with the Red Barn commercial property to the west within the design of the project shall be investigated prior to site plan approval.
5. Incorporation of a Palm Tran bus shelter within the design of the project shall be investigated prior to site plan approval.
6. A vegetative survey, including a Slash Pine inventory, shall be completed at the time of site plan approval, including identification of a Slash Pine preservation program.
7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be filed with the Town.
8. Prior to submitting a site plan application, the Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee shall be consulted regarding the feasibility of incorporating equestrian facilities within the development program.

B. Conceptual Site Plan (Ref: Following Page)

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ORDINANCE NO. 2014-06

ZONING MAP AMENDMENT 2014-02(SS)
CONCEPTUAL SITE PLAN



TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-06

EXHIBIT B - FUTURE LAND USE ELEMENT
TEXT AMENDMENT 2014-02(SS)
DAY PROPERTY

Amendment of Special Policy 1.15.3 to the Future Land Use Element to limit the uses and intensity of development on the subject property and incorporate staff/LPA recommendations.

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

1.15.3 Special Policy: Reserved-

Land use and 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: (a) Intensity of development shall not exceed a floor-area-ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of general retail, restaurant and office uses; and (b) this restriction shall automatically increase to whatever F.A.R. is subsequently granted to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.

(1). A Conceptual Site Plan reflecting the 0.074 F.A.R. shall be approved as part of the initial rezoning approval. Subject to potential future F.A.R. increases permitted by Special Policy 1.15.3(b), development uses, access and intensity shall be consistent with the Conceptual Site Plan.

(2). Any increase in development intensity above a 0.74 F.A.R., as permitted in Special Policy 1.15.3(b) shall be processed through the Town's site plan or site plan amendment approval process, as appropriate.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-06

**EXHIBIT C - FUTURE LAND USE ELEMENT
MAP AMENDMENT 2014-02(SS)
DAY PROPERTY**

Assignment of Special Policy 1.15.3 and the CL future land use category to the subject site on Future Land Use Map FLU-1.10, as defined below and illustrated on the following page.

LEGAL DESCRIPTION

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 and except the following parcel:

Parcel #126

A parcel of land lying in Section 27, Township 43 South, Range 41 East, and being a portion of Tract 33, Block F of the plat of Loxahatchee Groves as recorded in Plat Book 12, page 29, of the public records of Palm Beach County, Florida, and being more particularly described as follows:

Beginning at the NE corner of said Tract 33, run South 02 degrees 16 minutes 10 seconds West, along the East line of said Tract 33 a distance of 568.55 feet thence North 89 degrees 12 minutes 34 seconds West a distance of 50.02 feet along the South line of said Tract 33; thence North 2 degrees 16 minutes 10 seconds East a distance of 516.75 feet; thence North 43 degrees 36 minutes 10 seconds West a distance of 71.79 feet; thence South 89 degrees 29 minutes 31 seconds East a distance of 101.58 feet along the North line of said Tract 33 and along the South right-of-way line of Okeechobee Blvd. to the point of beginning.

**Parcel Size: 9.30 Acres
From: Agricultural Residential (AR)
To: Commercial Low (CL)**

