

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



**Town of Loxahatchee Groves**  
**Planning & Zoning Board/LPA Meeting**  
**Thursday, May 23, 2013 at 7:00 p.m.**  
**(re-scheduled from May 9, 2013)**

Central Palm Beach County Chamber of Commerce – West Office  
13901 Southern Boulevard, Loxahatchee Groves, FL33470

Chair Dennis Lipp  
Vice Chair Robin Crawford  
Board Member Lawrence Corning  
Board Member Keith Harris  
Board Member Grace Joyce  
Alternate Member #1 Veronica Close  
Alternate Member #2 Byrnes Guillaume

Town Manager Mark Kutney  
Town Clerk Susan Eichhorn  
Town Planner Jim Fleishmann

The Planning & Zoning Board meets on the 2<sup>nd</sup> Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA).  
Items for each body are noted on the agenda.

**MINUTES**

**1. OPENING**

- a. Call to Order & Roll Call

Chair Dennis Lipp called the meeting to order at 7:00 p.m. Upon roll call, the following members of the Planning and Zoning Board were present: Chair Lipp, Vice Chair Crawford, Board Members Lawrence Corning, Keith Harris, and Grace Joyce. Alternate Members Veronica Close and Byrnes Guillaume were not in attendance.

b. Approval of Agenda

Town Manager Kutney noted that Ordinance No. 2012-02, that created the Planning and Zoning Board required the re-organization each year for the election of a chair and vice chair. It was determined by the Board that this would be added to the Agenda, under New Business, Item 4.

**Motion made by Vice Chair Crawford, seconded by Board Member Joyce, to approve the Agenda as amended. The motion passed unanimously.**

2. MINUTES

a. Planning and Zoning Board Minutes for Approval - April 11, 2013

**Motion made by Vice Chair Crawford, seconded by Board Member Harris to approve the minutes of April 11, 2013. The motion passed 4/1, with Board Member Joyce casting a dissenting vote.**

3. OLD BUSINESS - *None*

4. NEW BUSINESS –*None*

a. **Annual Re-organization of Chair and Vice Chair positions, as required by Ordinance No. 2012-02**

**Motion: Board Member Joyce made a motion that the positions of Chair and Vice Chair remain the same as they were currently. The motion was seconded by Board Member Harris. The motion passed unanimously.**

5. LOCAL PLANNING AGENCY

Old Business—None

New Business

- a. **ULDC ZONING TEXT AMENDMENT: Consideration of a proposed text amendment to Section 20-015. Permitted uses of the Agricultural Residential zoning district to allow veterinarian services and dog boarding as permitted accessory uses.**

**APPLICATION NAME/NUMBER: Section 20-015: 2013(1)**

**APPLICATION NAME: Big Dog Ranch Rescue, Inc. Text Amendment**

Town Planning Consultant Jim Fleischmann addressed the Board, reviewing the proposed ULDC text amendment, and reviewed the material provided in the Agenda Packet. He explained that under the Town's ULDC, the Big Dog Ranch Rescue, Inc. (BDR) operation is termed a "Rescued Animal Care" facility. "Rescued Animal Care" is currently a permitted principal use, subject to Special Exception approval by the Town Council, in the Agricultural Residential (AR) zoning district. A Rescued Animal Care designation is appropriate for Big Dog Ranch; however, the ULDC is unclear as to the various accessory facilities and services that can be provided. In order to clarify this issue, Big Dog Ranch has requested the Town Council to amend the ULDC to include veterinary services and dog boarding as accessory uses in the AR zoning district. The applicant had proposed revisions to Section 20-015 of the town's ULDC. Staff has proposed an alternative amendment, which would clarify where accessory veterinary and dog boarding uses are permitted, as well as operating conditions oriented to insuring compatibility with applicable codes and neighboring land uses.

Staff recommendation is for approval of the proposed alternative text amendment, however, staff could also support the applicant's proposed text amendment subject to revisions linking accessory veterinary and dog boarding uses directly to principal Rescued Animal Care uses.

Jeff Brophy, agent for Big Dog Ranch, addressed the Planning and Zoning Board, stating that the applicant was in agreement with staff's alternative proposal. He provided a power point presentation regarding the code change request and background information regarding Big Dog Rescue Ranch. He explained that the applicant wanted to know whether the Town would support having the facility before a location was determined, and contracts, consultants, and studies were involved.

Public Comment:

The following persons spoke in support of Big Dog Rescue Ranch:

Susan Gould, 1735 67yh Ct. N., Loxahatchee

Kevin Swerdlin, 13105 Raymond Dr., Loxahatchee

Teresa Dotson, 104 Barcelona Dr.

Meg Weinberger, 14189 Caloosa Blvd., Palm Beach Gardens

Peter Robbins, 70 Via Verona, Palm Beach Gardens

Emily Pantelides, 70 Via Verona, Palm Beach Gardens

Kaitlyn Swyler, 1126 Hyacinth Pl., Wellington

Michael Hilton, 1232 Lake Breeze Dr., Wellington

Deborah Hilton, 1232 Lake Breeze Dr., Wellington

Requested to be read into the record: Kelly and Amber Nelson, 17774 Hamlin Blvd., Loxahatchee

Board Member Joyce commented that she would feel more comfortable if the text amendment was part of an application and was being made with a specific use, and site location. She expressed concern regarding commercial development within the Town of Loxahatchee Groves, noting that it was desired to be towards Southern Blvd. She noted that the County and many municipalities require this type of use to be in an industrial or general commercial zoning designation, and that this use may not be compatible with the residential uses adjacent to it, or may not be appropriate in an AR zoning district.

Town Planning Consultant Fleischmann responded that rescue animal care as a use is currently allowed – every one of those uses may not be appropriate in every part of Town and that is why it goes through the special exception process. He explained that is why he had added the extra criteria.

Brian Tuttle, identifying himself as the developer who is helping BDR, addressed the Planning and Zoning Board, stating that they cannot get started with an application until there is a text amendment. This is allowed, as long as there is no commercial boarding, or commercial vet service. He explained that they need the text amendment before they can find a site.

Lauree Simmons, President, Big Dog Rescue Ranch, addressed the Planning and Zoning Board, stating that the current site is not what was desired. There were only four usable acres on the property, and the buildings have not been rebuilt because they knew they did not want to stay in that location and had decided that they would like to be in Loxahatchee Groves.

Board Member Joyce suggested that there may be an administrative determination that could be applied to this that would not have to be listed in the Code. She explained that she was referring to a special use – a way that an administrative interpretation could be made that would say as it pertains to special exceptions, accessory uses as determined by the administrator as being consistent with the primary use; as something that could be done as part of a special exception.

Town Manager Kutney added that accessory uses, whether accessory to a principal use or as a special exception, are considered traditional, customary, incidental. The issue here is that the premise behind their proposal is offering the vet service to all the dogs that they rescue even after they are adopted, so they are providing a greater level of vet service than the typical rescue animal care, and the same thing with the boarding. They offer an enhanced level of service. When you start to look at those accessory uses as it relates to this special exception, you always have the ability to add conditions, and there are a ton of safeguards that can be used.

Town Planning Consultant Fleischmann noted that what Board Member Joyce was saying about administrative determination would be an appropriate subject for the Unified Land Development Code Review Committee (ULDCRC) – they could make a recommendation that the Town Manager could make such an administrative decision.

Discussion took place regarding the proper acreage for the facility, and who could use the vet and boarding facility.

Public Comment:

Brian Tuttle suggested that the facility would require between ten and twenty acres.

**Motion: Chair Lipp made a motion that to add a condition that veterinarian services and boarding would be provided only for current and previously adopted out animals. The motion was seconded by Board Member Harris for discussion.**

Further discussion took place. Town Manager Kutney advised that the facility would be allowed anywhere in the AR zoning district, but they would need to abide by the size requirement that was determined by the Board. Board Member Joyce pointed out that the accessory uses were veterinarian services and dog boarding, which would be opened to the public. She questioned if there as a way to include language that would say that a location on a major thoroughfare would be opened to the public, but if the facility was on an interior road it would only be for previously adopted dogs.

**Motion to approve staff recommendations with the following amendments:**

**Under (A) Minimum plot size requirements: Animal care operations may be permitted on properties exceeding 10 acres in size.**

**Under (B) Accessory Uses: Veterinary services and/or dog boarding may be permitted as accessory use as follows: (1) Veterinary services provided by a licensed veterinarian for the care of animals and/or dog boarding services for animals currently kept in the rescued animal care facility, or previously adopted, may be offered; and (2) Veterinary services provided by a licensed veterinarian for the care of animals and/or dog boarding services may be offered to the public provided that the rescued animal care operation is located on a property that fronts and has access to, a Town designated Urban Collector or Arterial roadway. The motion was seconded by Board Member Harris. The motion passed unanimously.**

**6. COMMENTS FROM THE TOWN MANAGER:**

Town Manager Kutney referred to the April 11, 2013 Planning and Board meeting regarding the Application for Loxahatchee Groves Commons (REZ 2013-01), and noted that the recommendation had been made to defer the project and that a traffic consultant be retained by staff. He reviewed the minutes of the meeting, and he suggested that as an advisory board, the Planning and Zoning Board could basically vote an item up or down or with conditions, and that the applicant had basically been sentenced to a very long tabling by the deferment. In addition, the Planning and Zoning Board did not have the authority to tell the Town Council that a consultant had to be hired and paid for. He also noted that the town would have a traffic consultant on board, but not until the contract was approved in late June. He suggested that the Planning and Zoning Board make a motion to bring this issue back for consideration.

Chair Lipp agreed that the item would be placed on the agenda for the next Planning and Zoning Board Meeting, June 13, 2013.

Joe Lelonek, Atlantic Land Investments, LLC, addressed the Board and advised that the applicant had taken some of the recommendations made at the last Planning and Zoning Board meeting and made some selected changes to the plan and had provided a draft copy to staff to review. A certain percentage of the parking spaces were wider and larger, but not all of them. They also looked at the open space area in the middle of a parking area, and looked at moving that next to the lake. Hopefully, they will be looked at favorably next month.

In response to Chair Lipp's question regarding the Town being able to have a parking space law, Town Manager Kutney replied that the ULDCRC was reviewing changes for issues to the Code, and that if Chair Lipp brought the parking issue to the attention of the Town Council, and they agreed, the issue could go before the ULDCRC for review.

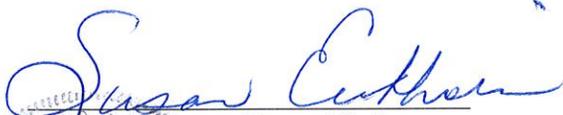
**6. COMMENTS FROM THE BOARD**

Board Member Joyce commented as follows: That this was a great meeting, and as a Board we have to remember to separate out the feelings, because the reality is that it had nothing to do with the decisions on what we were talking about tonight. When this goes to the Town Council, I hope that is pointed out as well. We have to be consistent. It would be great if that was pointed out to the Town Council that this has nothing to do with the applicant, but that we are talking about the language in our Code.

Town Planning Consultant Fleischmann stated that staff just tried to come up with the best way to make the most sense out of what the applicant wanted to do, and also protect the properties in Town.

**7. ADJOURNMENT**

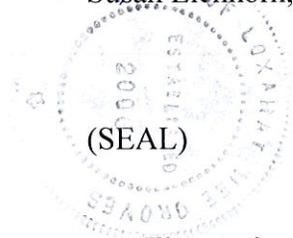
There being no further business, the Planning and Zoning Board meeting of May 23, 2013, was adjourned at 9:15 p.m.



Susan Eichhorn, Town Clerk



Dennis Lipp, Chair



*These minutes were approved by the Planning and Zoning Board at the June 13, 2013, Planning and Zoning Board Meeting.*