

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING DEVELOPMENT ORDER AMENDMENT APPLICATION DOA-2009-01501 (CONTROL NO. 1994-00040) SUBMITTED BY LOXAHATCHEE EQUESTRIAN CLINIC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Town Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny Development Order Amendments; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, Development Order Amendment Application DOA-2009-01501 was presented to the Town Council at a public hearing conducted on September 1, 2009; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of Town and County staff; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

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

Section 2. The Town Council has considered the findings in the staff report and makes the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Town of Loxahatchee Groves Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Town of Loxahatchee Groves Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Town of Loxahatchee Groves Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

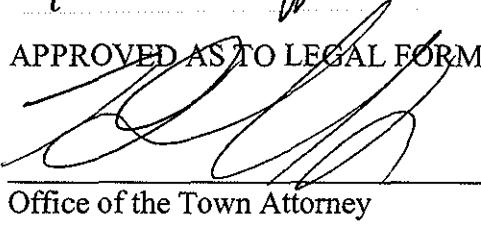
Section 3. Article 2.A.1.K.3.b of the Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves Zoning Application DOA-2009-01501, the application of Loxahatchee Equestrian Clinic, submitted by Byron Reid, agent, for a Development Order Amendment to amend Conditions of Approval – Site Plan, on a parcel of land legally described in **EXHIBIT “A,”** which is attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in **EXHIBIT “B,”** and which is attached hereto and made a part hereof subject to the conditions of approval described in **EXHIBIT “C.”**

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 1st day of September, 2009.

ATTEST:

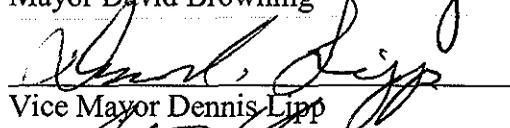

TOWN CLERK

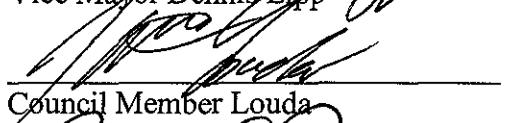
APPROVED AS TO LEGAL FORM:


Office of the Town Attorney

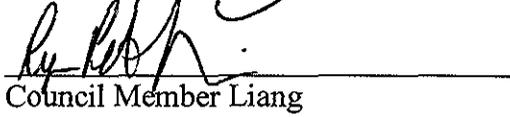
TOWN OF LOXAHATCHEE GROVES,
FLORIDA


Mayor David Browning


Vice Mayor Dennis Lipp


Council Member Louda


Council Member Jarriel


Council Member Liang

DNT:dnt

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EXHIBIT "A"

PROPERTY

THE WEST 5 ACRES OF TRACT 10,
BLOCK F, LOXAHATCHEE GROVES, ALSO
KNOWN AS TRACT 10, BLOCK F, LESS
THE EAST 1450.14 FEET THEREOF,
ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 12, PAGE 29,
PUBLIC RECORDS OF PALM BEACH
COUNTY FLORIDA.

<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Rev. No.</td> <td style="width: 50%;">Description</td> </tr> <tr> <td>1</td> <td>Initial Design</td> </tr> <tr> <td>2</td> <td>Final Design</td> </tr> <tr> <td>3</td> <td>Final Design</td> </tr> <tr> <td>4</td> <td>Final Design</td> </tr> <tr> <td>5</td> <td>Final Design</td> </tr> </table>	Rev. No.	Description	1	Initial Design	2	Final Design	3	Final Design	4	Final Design	5	Final Design	<p>Architect</p> <p>Bert Berglund, P.E. 1000 S. Orange Ave. Suite 300 Orlando, Florida 32809 (407) 831-1111</p>	<p>Owner</p> <p>Dr. Byron Reid DVM 1000 S. Orange Ave. Suite 300 Orlando, Florida 32809 (407) 831-1111</p>	<p>Engineer</p> <p>Southwest Engineering Group 1000 S. Orange Ave. Suite 300 Orlando, Florida 32809 (407) 831-1111</p>
Rev. No.	Description														
1	Initial Design														
2	Final Design														
3	Final Design														
4	Final Design														
5	Final Design														
<p>LOXAHATCHEE EQUINE STRAIN CLINIC MASTER SITE PLAN</p> <p>LOXAHATCHEE GROVES, FLORIDA</p>															
<p>Charles Putman & Associates, Inc. 4722 NW Boca Raton Boulevard, Suite C106 Boca Raton, Florida 33431 (561) 994-6111 fax (561) 994-0147</p>															

SP-01

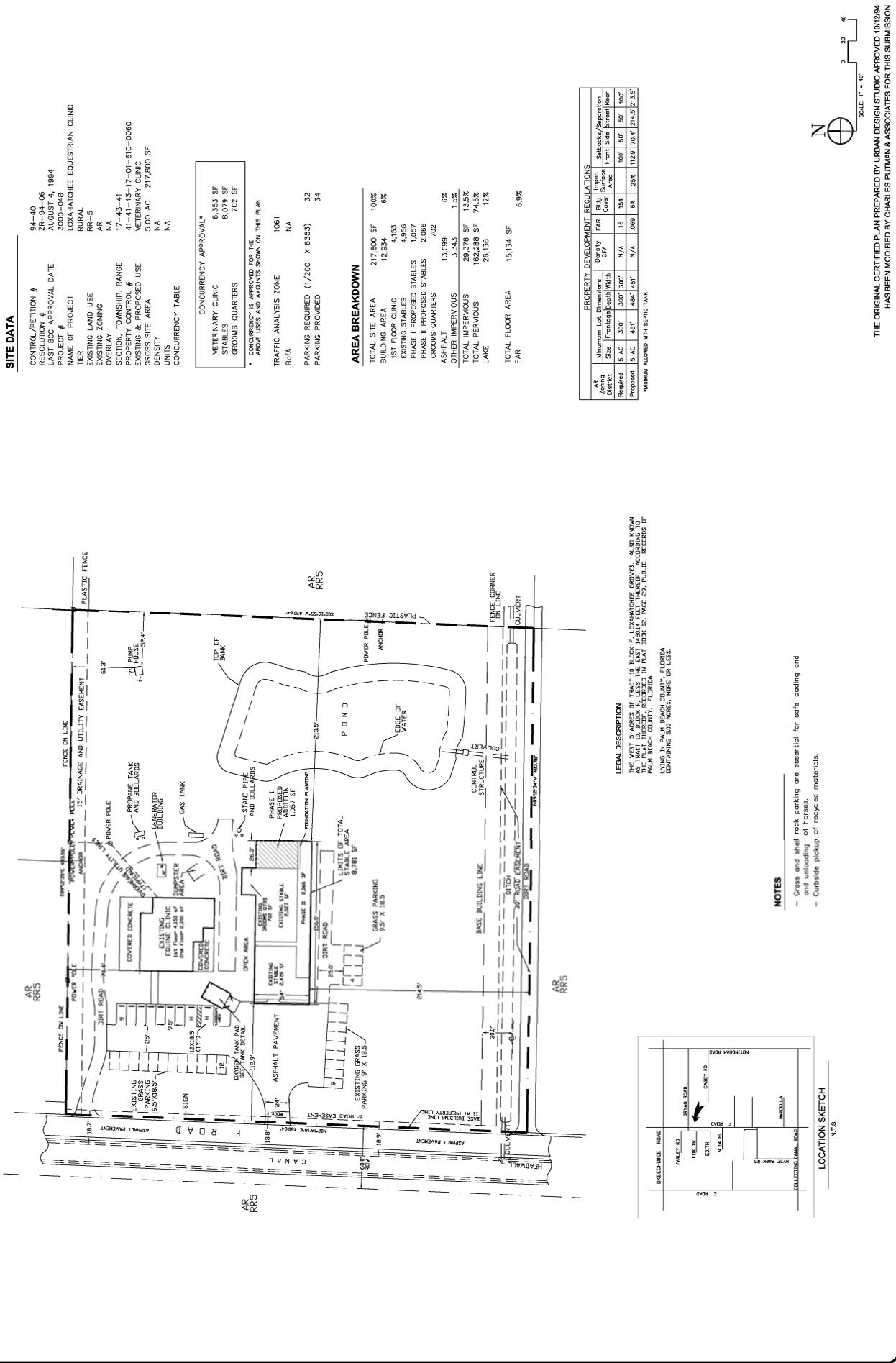


Figure 5 Preliminary Site Plan, dated June 15, 2009

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. Development of the site shall be generally consistent with the preliminary site plan dated June 15, 2009 and approved by the the Town Council. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Town Council. (ONGOING: ZONING- Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolution ZR-94-06 (Control 94-40), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Town, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$4290 (78 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR). (Previous condition E1 of Resolution Z-R-94-06, Control No. 1994-040) [NOTE: COMPLETED]

2. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit. (BUILDING-Engineering) (Previous condition E2 of Resolution Z-R-94-06, Control No. 1994-040) [NOTE: DELETED] [REASON: CODE REQUIREMENT]

LANDSCAPE - GENERAL

1. Prior to site plan certification, the petitioner shall submit an Alternative Landscape Betterment Plan for review and approval by the Zoning Division in the event existing vegetation is utilized to meet the landscape requirements. The Alternative Landscape Betterment Plan shall demonstrate the incorporation and utilization of existing vegetation, and conformance to all Landscape Code requirements and vegetation preservation conditions of approval. (DRO: LANDSCAPE - Zoning) (Previous Condition A.1 of Resolution ZR-94-06, Control No. 1994-040)

2. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (BLDG PERMIT: LANDSCAPE - Zoning)(Previous Condition A.2 of Resolution ZR-94-06, Control No. 1994-040)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning)

4. The preserved trees need to be marked and barricaded for protection during site construction. Contact Landscape Section staff prior to issuance of any construction or clearing permits. (BLDG PERMIT: BLDG - Zoning)

[w7]

LIGHTING

1. The lighting conditions below shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

2. All outdoor lighting shall be extinguished no later than 11:30 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Signage on the site shall be limited to a monument type sign with a maximum total sign face area of 100 square feet, and a maximum height of 10 feet. Should the signage provisions, pursuant to Article 7 of the ULDC, be more restrictive the petitioner shall comply with those requirements. (BLDG PERMIT: BLDG - Zoning) (Previous Condition D.1 of Resolution ZR-94-06, Control No. 1994-040)

SITE DESIGN

1. Prior to site plan certification, an area for the placement of receptacles for recycled material shall be designated on the site plan, located in the parking areas or adjacent to the dumpster locations. (DRO: ZONING-Zoning) (Previous Condition B.2 of Resolution ZR-94-06, Control No. 1994-040)

SOLID WASTE AUTHORITY

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: SWA - SWA) (Previous Condition B.1 of Resolution ZR-94-06, Control No. 1994-040)

COMPLIANCE

1. In granting this approval, the Town Council relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Town for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Town to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)