



# Town of Loxahatchee Groves Town Council Meeting

Tuesday, November 18, 2014 - 7:00 p.m. to 10:30 p.m.

*(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)*

Loxahatchee Groves Water Control District, 101 West "D" Road

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

Town Manager William F. Underwood, II  
Town Clerk Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

Tentative  
Subject to Revision

## PUBLIC NOTICE/AGENDA

### 1. OPENING

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

### 2. CONSENT AGENDA

#### a. Minutes:

- **August 19, 2014** Regular Town Council Meeting
- **September 2, 2014** Regular Town Council Meeting
- **September 11, 2014** Tentative Millage/Budget Town Council Meeting

### 3. PUBLIC COMMENTS

4. **PRESENTATIONS** - NONE

5. **COMMITTEE REPORTS** - NONE

*(Clerk Note: Resolutions have been moved to Item Number 7. on the Agenda in order to accompany the adoption of Ordinance No's. 2014-06 and 2014-07 concerning the Public Hearing on the Day Property.)*

6. **ORDINANCES**

a. **ORDINANCE NO. 2014-06: PUBLIC HEARING/SECOND AND FINAL READING (Day Property Comprehensive Land Use Change)**

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.

b. **ORDINANCE NO. 2014-07: QUASI-JUDICIAL/PUBLIC HEARING/SECOND AND FINAL READING (Day Property – Rezoning)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT REZ 14-02 TO THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE, CONDERNING A REZONING APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE ZONING DESIGNATION OF THE SUBJECT PROPERTY FROM AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL LOW (CL) 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 ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **RESOLUTIONS**

a. **RESOLUTION NO. 2014-18: (Accepting Restrictive Covenants for Day Property)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE RESTRICTIVE COVENANT FROM WILLIAM AND FRANKIE DAY RELATING TO THE CONDITIONS OF APPROVAL FOR THE LAND USE AMENDMENT FOR COMMERCIAL DEVELOPMENT ON THEIR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

b. **RESOLUTION NO. 2014-19: (Budget Amendment Fiscal Year 2013-2014)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

8. **MANAGER'S REPORT** – *Town Manager Underwood*

a. **AGENDA ITEM REPORT:** Updates on various activities and issues concerning the Town.

b. **Palm Beach Sheriff's Office (PBSO) Monthly Report: October 2014**

9. **OLD BUSINESS**

a. Consideration for Acquisition of Central Palm Beach County Chamber of Commerce Building.

10. **NEW BUSINESS** – *NONE*

11. **CLOSING COMMENTS**

- a. Public
- b. Town Attorney
- c. Town Council Members

12. **ADJOURNMENT**

*The next regular Town Council Meeting is tentatively scheduled for December 2, 2014.*

**Comment Cards:** Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



**Item 2.a.**

**Consent Agenda**

**Minutes**

**August 19, 2014 - Regular Town Council Meeting**

**September 2, 2014 – Regular Town Council Meeting**

**September 11, 2014 – Tentative Millage/Budget Town Council Meeting**



# Town of Loxahatchee Groves

## Town Council Meeting

Tuesday, August 19, 2014 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

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

Town Manager Mark Kutney  
Town Clerk Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

### MINUTES

#### 1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:04 p.m. In attendance were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang and Jim Rockett. Also in attendance were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple.

- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

**Motion: Councilman Rockett made a motion to approve the Agenda as presented. Councilman Liang seconded the motion. Upon vote the motion was approved 5/0.**

#### 2. CONSENT AGENDA

- a. Minutes for Approval: **July 1, 2014 Regular Town Council Meeting**
- b. Consideration for approval of the Criminal Justice Commission (CJC) allocation of Fiscal year 2015 (Federal Fiscal Year 2014) Justice Assistant Grant (JAG) funds. The total allocation for Fiscal year 2015 to Palm Beach County is \$341,227.

**Motion: Councilman Rockett made a motion to approve the Consent Agenda.**

Town Manager Kutney withdrew 2.b.

**Motion: Councilman Rockett revised his motion to approve the Consent Agenda as amended. Councilman Liang seconded the motion. Upon vote the motion passed 5/0.**

### **3. PUBLIC COMMENT**

**Motion: Councilman Liang made a motion to accept a *receive and file* document form the Inspector General's Office presented by Dennis Lipp, 13402 North Road. Councilman Rockett seconded the motion. Upon vote, the motion passed 5/0.**

**Motion: Councilman Rockett made a motion to accept a *receive and file* document from Keith Harris, 2580 C Road. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.**

Keith Harris, 2580 C Road, spoke about an article written about him in the *Town Crier Newspaper*. He was not happy about the comments.

John Ryan, 3508 A Road, responded to the comments made by Keith Harris.

### **4. PRESENTATIONS**

- a. Review of the Fiscal Year 2014/2015 Capital Improvement Fund, Transportation Fund, Fund Balance.

Bill Underwood, Underwood Management Services Inc., reviewed, and made comments on the summary pages of the Budget for Fiscal year 2014/2015. He then proceeded to review the remainder of the Budget line items with the Town Council.

Council discussed not giving so much money to the Loxahatchee Groves Water Control District (LGWCD), roads that come over to the Town should reflect on the budget, money for canal maintenance, the District being independent and paying their own bills, keeping assessments down, and keeping the gas tax money if the Town is going to incur the cost of the roads. An Interlocal agreement was also discussed.

Bill Underwood asked, concerning the Tentative Budget, whether Council wanted to distribute the total funds in accordance with the percentage of lane miles now with the Town, or use the \$.06 gas tax revenue money.

**Motion: Councilman Goltzené made a motion for the Town to use the \$.06 gas tax revenue money. Councilman Liang seconded the motion. Discussion.**

Members of the audience expressed their opinions on the various Budget items.

Council responded with their input.

**Upon vote, the motion passed 4/1 with Councilman Rockett casting the dissenting vote.**

Bill Underwood will come back with the Budget adjustment. He continued to review the Budget.

Council discussed transferring funds from the Capital Improvement Funds (CIP), and related Budget items.

**Motion: Councilman Rockett made a motion that the Town balance the Capital Budget based on what the Town has spent and what the Town now has designated; and then come back with a new set of numbers to put in the Capital Improvement Program with a five (5) year horizon, and only have funds in the Capital Funds that are identified, and have them balanced with their source. Also, each year revisit the funds and adjust accordingly, if needed, otherwise leave the funds available only for designated projects. Councilman Goltzené seconded the motion.**

Council continued discussion with Mr. Underwood concerning Budget items.

**Upon vote, the motion passed 5/0.**

**Motion: Councilman Goltzené made a motion to consolidate projects into two (2) categories, road projects and trail projects, and balance out what we intend to spend. The Town can always move the funds. Councilman Liang seconded for discussion.**

Bill Underwood clarified that the Town would be using the Transportation Gas Tax money as the first source of funding, and he will not be changing the source of funding for next year. It was confirmed.

Council continued Budget discussion on individual line items and consolidation.

Mayor Browning stated he believes all of the Town roads the Town collects gas tax money on, and that cross any Loxahatchee Groves Water Control District (LGWCD) canal, that those culvert are the Town's responsibility. The Town will have to address this issue in the future.

**Motion Modified: Councilman Goltzené modified his motion to establish a category for trails, a category for roads, and a category for road acquisition, (culverts included). Councilman Liang amended his second.**

Council discussed additional items to be included in the motion.

Bill Underwood reiterated the five (5) line items to be included in the motion will be road projects, trail projects, drainage, Loxahatchee Groves' purchase of roads, and Okeechobee Boulevard and D Road traffic light.

**Councilman Goltzené and Councilman Liang were good with the revised list for their motion.**

Jo Siciliano, 1530 B Road, has a suggestion, which may be a solution; that is to set up a monitoring system to see which roads are the most traveled.

**Upon vote, the motion passed 5/0.**

**Motion: Vice-Mayor Jarriel made a motion that in the Capital Improvement Fund under roads, trails and drainage, the Town set aside \$400,000 additionally for each. Councilman Goltzené seconded the motion.**

Bill Underwood noted that in the Budget, he will appropriate \$90,374 for roads surveying, \$120,000 for horse trails, and \$28,934 for Loxahatchee Groves. The million dollars will go back to the General Fund for the traffic light.

**Upon vote, (this reversed the prior motion – and will be taking funds out of the General Fund and putting it into the above line items) the motion failed 3/2 with Mayor Browning, Councilman Liang, and Councilman Rockett dissenting.**

Council deliberated on how to spend the Town funds.

Bill Underwood recommended to Council that they need to identify the project, get the numbers, appropriate the numbers to the best of their ability that Council knows they are going to spend. He also recommended that Council not take an action to appropriate the money toward drainage until the cost has been determined. Decide yes or no to leave the million dollars in the Capital Improvement Fund.

Bill Underwood recommended Council to consider identifying the project and how much they would like to spend. Leave some fund balance. Yes or not to leave million in the Capital Improvement Program.

**Motion: Councilman Liang made a motion to appropriate \$25,000 for drainage into the Capital Improvement Program. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.**

Mayor Browning called for a brief break, 8:57 p.m. to 9:01 p.m.

**5. COMMITTEE REPORTS - NONE**

**6. RESOLUTIONS - NONE**

**7. ORDINANCES – NONE**

8. **ADMINISTRATIVE UPDATE** – *Town Manager Kutney*

No update

9. **OLD BUSINESS**

- a. Florida Fish and Wildlife Conservation Commission Office of the General Counsel, re Local Ordinances and the Regulations of Captive Wildlife.

Town Manager Kutney provided background and noted Jim Fleischmann's recommendations, and Town Attorney Cirullo explained the sections which would be taken out.

**Motion: Councilman Goltzené made a motion to take Mr. Fleischmann's recommendation and remove the sections mentioned with the exception of Number Seven (#7) 87-015. Councilman Liang seconded the motion. Discussion.**

Council discussed changes with Mr. Fleischmann.

Councilman Rockett requested a footnote to reference Florida Fish and Wildlife in the sections where changes are made.

Town Attorney Cirullo clarified that along with the exception of 87-015 in Councilman Goltzené's motion, Section 40-015 will not be removed as well.

**Upon vote, the motion passed 5/0.**

10. **NEW BUSINESS**

- a. Administrative Policy 1-14: Reporting Policy to The Palm Beach County Inspector General

Town Manager Kutney explained Town Staff wrote the policy which is on the Agenda this evening.

**Motion: Councilman Rockett made a motion to approve the Administrative Policy 1-14: Reporting Policy to the Palm Beach County Inspector General. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.**

11. **CLOSING COMMENTS**

- a. Public

Keith Harris, 2580 C Road, was sad to hear adverse comments on his religious beliefs.

Mayor Browning read into the record, Bill Louda's (1300 E Road) comments concerning his opposition to Minto West.

John Ryan, 3508 A Road, in his comments to Keith Harris, had referred to State Statutes not biblical references.

b. Town Attorney

No relevant comments, but did say "Go Gators".

c. Town Council Members

Councilman Goltzené stated the discussion tonight was productive, and commented that people need to stay on point. He thanked those who stayed.

Vice-Mayor Jarriel wanted a consensus from Council for hedging, and to allow Staff and Legal to draft an agreement without going out for a Request for Proposal (RFP).

Town Manager Kutney and Town Attorney Cirullo will look at the contract, start a bid process now, and use the \$40,000 that will be budgeted for hedging.

Council discussed the hedging issue with Town Manager Kutney and Town Attorney Cirullo.

Mayor Browning asked Staff to look at options. It was the consensus of Council for Staff to proceed.

Councilman Liang thanked everyone for staying, and he appreciates everyone's comments.

Councilman Rockett asked Town Manager Kutney to explain the update on 6<sup>th</sup> Court North.

Town Manager Kutney met at 6<sup>th</sup> Court North with Steve Yohe, Loxahatchee Groves Water Control District Director, and Frank Schiola, Public Works, to determine the proposed needs for the culvert project.

Councilman Rockett thanked Town Manager Kutney for his report; and everyone who was here this evening.

Town Manager Kutney, in response to a question from Mayor Browning concerning \$100,000 for road surveying, reported that during the Intergovernmental Coordination Committee (IGC) Meeting on Friday, August 22, 2014, he will discuss the Interlocal Agreement and bring these matters forward. He did say that Steve Yohe, Loxahatchee Groves Water Control District Supervisor, reported the Town has to do maintenance mapping before the District can turn the roads over to the Town.

Town Attorney Cirullo noted the Special Act of the Legislature amended the Loxahatchee Groves Water Control District's Charter for the District to conduct the mapping process.

Mayor Browning read the State of Florida and the Federal Government has allotted money to connect trails from coast to coast. He thanked everyone for coming.

**12. ADJOURNMENT**

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:27 p.m.

*These minutes were approved during the November 18, 2014 Town Council Meeting.*



Town of Loxahatchee Groves  
Town Council Meeting

Tuesday, September 2, 2014 - 7:00 p.m. to 10:30 p.m.

*(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)*

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)  
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Councilman Jim Rockett (Seat 2)

Town Manager Mark Kutney  
Town Clerk Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

**MINUTES**

**1. OPENING**

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:06 p.m. In attendance were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, and Jim Rockett. Councilman Ryan Liang was not present at this time. Also in attendance were Town Manager Mark Kutney, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple. Jim Fleischmann Town Planning Consultant was in the audience.

- b. Pledge of Allegiance & Invocation – Mayor Browning  
c. Approval of Agenda

Town Manager Kutney introduced Addendum #1 to be placed under *4.a. Presentations*: Randy Wertepny, Sr. Project Manager, Keshavarz and Associates would also provide information on the National Pollutant Discharge Elimination System (NPDES). Also, Addendum #2 to be placed under *8. Administrative Update*: Town Manager Kutney will provide a status update on the Chamber of Commerce Building.

**Motion: Council Member Rockett made a motion to approve the Agenda as modified. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.**

## 2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

**Motion: Council Member Rockett made a motion to approve the Consent Agenda. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 4/0.**

## 3. PUBLIC COMMENT

Keith Harris, 2580 C Road, commented on recent gas map discussion, and assessment rates. He encouraged the Town to take control for all roads and trails.

## 4. PRESENTATIONS

- a. Randy Wertepny, P.E., Sr. Project Manager, Keshavarz & Associates, Inc., to provide tutorial on the Federal Emergency Management Agency (FEMA) Flood Map process.

Town Manager Kutney provided an overview and mentioned dates and locations of meetings for Flood Map review and discussion.

Randy Wertepny provided updated information on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). New flood elevations have been established, and Mr. Wertepny listed all upcoming meeting dates for residents, and who will be in attendance. He explained what is required for application, and what is required for any revisions that might need to be made through the Letter of Map Revision (LOMR).

Council discussed with Mr. Wertepny the various flood plains and discharge of water. It was mentioned that the Town could make application as a whole to challenge the flood map designations. Weir gates for flood control were also discussed, as well as flood insurance and flood elevations.

Members of the audiences expressed their comments and concerns.

**Addendum #1 Item:** Randy Wertepny also spoke on the National Pollutant Discharge Elimination System (NPDES).

Town Manager Kutney explained another government requirement. The Town needs to get involved in this program, or apply for a waiver.

Randy Wertepny explained the NPDES program which started about five (5) years ago. There are two (2) NPDES programs; one if you are a new developer and the other for municipalities. The Town could apply for a waiver for exemption if classified as an Urban Designated Community (UDC) based upon the 2010 census. He mentioned others, and suggested the Town adopt some Best Management Practices.

**5. COMMITTEE REPORTS**

- a. Virginia Standish, Chair of the Financial Audit and Advisory Committee (FAAC) to provide a status report on the proposed Road Improvement Policy and the draft Purchasing Ordinance. *(No Backup Material)*

Virginia Standish provided a bank account balance and noted Financials are not available this evening. Several items were reviewed. Transfer of \$40,000 from the Loxahatchee Groves Water Control District (LWCD) had been accomplished, all documents will be included. The FAAC Board is reviewing a Purchasing Policy and once completed, will be presented to Council. Cost sharing was addressed concerning acreage. Ms. Standish also addressed the fraudulent checks matter, and stated it was resolved.

**Mayor Browning called for a break at 8:14. Residents reviewed their properties on the electronic Geographic Information System (GIS) map provided by Mr. Wertepny.**

**6. RESOLUTIONS – NONE**

**7. ORDINANCES - NONE**

**8. ADMINISTRATIVE UPDATE – *Town Manager Kutney***

**Addendum Item:** Status Update on Chamber of Commerce Building

Town Manager Kutney provided an update and mentioned On August 5<sup>th</sup> Council had directed staff to work with the Central Palm Beach Chamber of Commerce for options to purchase and/or lease the Chamber of Commerce building located at 13901 Southern Boulevard, Loxahatchee Groves, Florida. He met with the Chamber CEO Wayne Burns on August 20, 2014, and this included a conference call with Town Attorney Mike Cirullo. Correspondence has been going back and forth and on August 2<sup>nd</sup> there was an additional conference call between Town Manager Kutney, Wayne Burns, Town Attorney Cirullo and his partner Attorney D. J. Doody, who specializes in real estate. The Chamber offered three options; an outright sale, a lease with option to buy, and a straight lease. Many options were discussed, and it was recommended that the Town would need a ninety (90) day period for due diligence research and for the Town and the Chamber to work together. During that time the Town would have to get its own appraisal, a survey, and an inspection of the property, and any additional information needed to make a decision. There are a number of ways to structure whichever option Council chooses to go with. According to the Town Attorneys, the Town's Charter allows a lease with an option to buy, but the limit is thirty-six (36) months; otherwise the Town would have to go to a referendum. Town Manager Kutney suggested a proposal could be brought before Council prior to a Shade meeting

that is tentatively scheduled for September 16, 2014. He felt it would be in the best interest of both parties to proceed and move forward with some sort of agreement prior to the November, Palm Beach County Commission elections.

Council Member Goltzené expressed his opinion concerning the deficiencies of the current Town Offices location and that they are not conducive to a municipal facility. He felt this proposal was contrary to the original idea of the Town, and he was not sure buying/leasing property was the best idea for spending the Town's money. He also did not like buying/leasing a property that is sitting on someone else's land, and he felt a long term lease was a better idea.

Mayor Browning noted this was really a preliminary phase. The Chamber of Commerce made an offer and we are just thinking about the idea.

Town Attorney Cirullo, in response to a question by Mayor Browning concerning the ninety (90) day due diligence, the reason the agreement should be done before November (Elections) is that the proposal will need to go before the Palm Beach County Commissioners for approval, as well as, a lease mortgage from a bank for the change of occupancy. The agreement that would be brought back to Council would include a ninety (90) day inspection period which would include all necessary approvals, and inspection of the building. The due diligence would have to be completed in order to make the presentation. Town Attorney Cirullo wanted to make sure there was enough direction from Council in order to bring back a complete document, which would be about ten (10) days in order to have it ready for the Palm Beach County Commission review.

**Mayor Browning noted for the record that Council Member Liang arrived at 8:35 p.m.**

Council Member Goltzené would rather see the traffic light in place before the Town asks for anything else.

Council Member Rockett would like Staff to move forward, and continue with the information gathering.

Town Attorney Cirullo stated the Council did not necessarily need to pick a "branch" or type of proposal at this time but give Staff direction to prepare something that would help with a decision.

Mayor Browning referred to a discussion he had with Town Manger Kutney. Mayor Browning's thoughts were to build a four thousand (4,000) square foot two story concrete building on the LGWCD site at \$75 per square foot, and back it up to Boonies Restaurant and Bar. The cost would be approximately \$300,000 which could be split between the Town and the Loxahatchee Groves Water Control District (LGWCD). If the Town Hall offices were moved to the Chamber

building, he expressed concern that the municipality would then be housed in two separate locations. The Chamber location is a beautiful facility, but practically he does not know how we can make the move now.

Councilman Goltzené suggested going with a straight lease, and make a more permanent decision in the future.

Mayor Browning stated if the Town could lease for what we are spending now then it is a no brainer. The cost is a factor, what will it cost to build a new structure.

Council Member Rockett stated the Town could lease with an option to buy; but that does not mean the Town has to buy. Take the lease then get a cost of building a structure. We also had subleasing considerations, and the Town could look into those options. He would like to proceed with the lease and option to buy.

Vice-Mayor Jarriel agreed with Council Member Rockett on a lease with option to buy. He sees a lot of potential for the Chamber building; it is only five (5) years old. Referencing the location of the District, he noted that most of the municipalities' shops are not where the Town Center is located. He wanted to know how long we had to walk through a pig sty, when it is raining, to come to a meeting, and have people standing outside during a major discussion who cannot even hear what is going on. The Town has problems they are not solving. With all the entities who are meeting at different locations, the Chamber building is already equipped. The \$75 or even \$85 per square foot does not include everything that has to be done on the inside; i.e. electric etc. The only route that he would indorse is the lease with an option to buy. Thirty-six (36) months will give the residents of Loxahatchee Groves an idea of what they would like. Loxahatchee Groves needs a good Town Center. Vice-Mayor Jarriel asked Attorney Cirullo if we leased with an option to buy would the Town still have inspections.

Town Attorney Cirullo stated that once the lease was up and it was time to exercise the option to buy the Town would have to do their due diligence at that time. The only inspections needed would be those required for the lease.

Vice-Mayor Jarriel felt there is so much that can be done with the Town Center (Chamber of Commerce building) that the residents could enjoy. If the Town could lease with an option to buy without the extra expenses while we decide what is best for the people, then we take that route. There is so much we can do with that Town Center (Chamber building). Our volunteer committees have a decent place to go. Vice-Mayor Jarriel asked Mr. Burns if the Town could sublease rooms out to the Chamber, if the Town went with a lease with an option to buy.

Mr. Burns stated it could be possible for a sublease situation; however, from a security prospective it would be better for the Town to have the whole building.

In answer to a question from Vice-Mayor Jarriel, Town Attorney Cirullo stated that, assuming the Town would be leasing the whole building, the Town would still be governed by whatever agreement is already in place from Palm Beach County. We would be subleasing from the Chamber who is leasing the land from Palm Beach County. He is not sure the Chamber would be released from that agreement it would be a part of the approval process. That would apply as well for a sub sublease as well.

Mr. Burns felt like it would be simpler to go to Palm Beach County with an agreement in hand, such as a lease with an option to buy from Loxahatchee Groves. It would be a structural change. Once the Town occupied the building, negotiations could be conducted along the way until a final decision could be made. The Chamber would support a lease with the option to buy, even though it would not be their first preference.

Mr. Burns replying to a question from Vice-Mayor Jarriel stated the appraisal of the building was \$630,000.

Town Attorney Cirullo stated that at that price the Town would have to get two (2) appraisals, per Florida Statutes.

Vice Mayor Jarriel reference the volunteer hours spent.

Mr. Burns based the \$630,000 amount on the building structure, not having anything to do with the land itself for obvious reasons. If all other amenities are added in the cost would be considerably more, more like \$85.00 per square foot.

Vice-Mayor Jarriel noted that the Town pays for storage due to security reasons. He had acquired all the current costs from Mrs. Underwood for rent etc., and what the Town pays per year with all the hassles. He then asked Mr. Burns if the Town went with a lease with an option to buy, had Mr. Burns come up with any numbers for cost per month.

Mr. Burns had not come up with any numbers, as yet. If that is the option of the Council he can take that back to the Board, and return with something to discuss with Mark.

**Motion: Vice-Mayor Jarriel made a motion to direct staff to talk with the Chamber of Commerce in order to find out everything the Town needs to know, especially what it would cost the Town monthly for a lease with an option to buy; therefore, the Town has**

**thirty-six (36) months to decide so we do not have to rush. Council Member Liang seconded the motion. Discussion followed.**

Town Attorney Cirullo questioned the lease with the option to buy and compared it to a lease purchase. After clarification from Vice-Mayor Jarriel the Town would lease with it written in the contract that the monies already spent would apply to the purchase price.

Vice-Mayor Jarriel stated to leave the lease term up to staff, the longer the better. Council member Liang was in agreement but added that when the Chamber, returns with a hard number then it can be “bounced” to the Finance Advisory and Audit Committee (FAAC) to have them look at it, they can present it to Council, and Council can go from there.

Vice-Mayor Jarriel agreed to definitely run it through the Finance Advisory and Audit Committee (FAAC).

Virginia Standish, 15410 North Road and FAAC Member, thought a workshop would be good. The building is a government building and no other tenants should be housed. She had other comments concerning the proposal. If a workshop is scheduled, staff better tell us what the Palm Beach County has said. Don't go negotiating a lease without talking to Palm Beach County because the Town may be in for a big surprise. She would not like to come to a Town Hall with large equipment close by. She also wanted to know who paid for what, between the State and the Landowners.

Mr. Burns responded to Ms. Standish's comments.

Keith Harris, 2580 C Road, there are a lot of financial considerations to make. A workshop is a good idea. He appreciates Town Management investigating this matter, it needs a thorough review.

Sharon Browning, 3056 D Road, compared the Chamber of Commerce building with the Loxahatchee Groves Water Control District (LGWCD) Meeting Room. She likes the Town the way it is.

**Upon vote, the motion passed 4/1 with Council Member Goltzené casting the dissenting vote.**

Town Attorney Cirullo if Council wants the FAAC to review this matter, a Special Meeting will have to be called.

Mayor Browning stated at this time, the Town is discussing leasing. A Special Workshop is not needed for that.

Councilman Goltzené noted other places might be available.

Town Attorney Cirullo will try to have the information for the Town Council Meeting scheduled in three (3) weeks, on September 23, 2014, or as soon as possible.

**9. OLD BUSINESS - NONE**

**10. NEW BUSINESS - NONE**

**11. CLOSING COMMENTS**

a. Public

Keith Harris, 2580 C Road, reference the National Pollutant Discharge Elimination System (NPDES), and the work on Bryan Road, Compton Road and Marcella Boulevard. There are many other roads in the Town that have drainage issues.

Frank Schiola, 13434 Marcella Boulevard, mentioned that Loxahatchee Groves Boy Scout Troop 199, is working on their merit badges and he would like them to attend a Town Council Meeting. There are approximately thirty (30) Scouts.

**It was the consensus of the Town Council to invite the troop to come.**

Mayor Browning spoke of bringing, and honoring, Quasi Modo to the October 4, 2014 Town Council Meeting. Quasi Modo won 2<sup>nd</sup> place in the World's Ugliest Dog Contest, and is a resident of Loxahatchee Groves.

b. Town Attorney

- Request for Town Council to schedule a closed door meeting to discuss litigation in Day v. Town of Loxahatchee Groves, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Florida, Case No. 502012CA014543MB.

Town Attorney Cirullo requested September 16, 2014, any time after 2:00 p.m.

**It was the consensus of the Town Council to hold the closed door meeting at 7:00 p.m. on September 16, 2014, in the Town Hall offices.**

Town Attorney Cirullo also stated "Go Gators" with qualifications.

c. Town Council Members

Councilman Rockett thanked everyone for coming.

Councilman Liang apologized for being late, and also thanked everyone for coming.

Vice-Mayor Jarriel, thanked everyone for coming, and wished them to be safe going home.

Councilman Goltzené also thanked everyone for coming, and will see everyone next week.

Mayor Browning stated “to you a good night”.

Council Liang stated that he would be appointing his representative to the Finance Advisory and Audit Committee (FAAC). Her name is Anita Kane.

**It was the consensus of the Town Council to accept Councilman Liang’s appointment of Anita Kane to the FAAC Board.**

## **12. ADJOURNMENT**

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:26. p.m.

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Janet K. Whipple, Town Clerk

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David Browning, Mayor

*These minutes were approved during the November 18, 2014 Town Council Meeting.*



## Town of Loxahatchee Groves Town Council Meeting

Thursday, September 11, 2014 - 7:00 p.m. to 10:30 p.m.

*(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)*

Loxahatchee Groves Water Control District, 101 West "D" Road

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

Town Manager Mark Kutney  
Town Clerk Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

### MINUTES

### PUBLIC HEARING

### SOLID WASTE ASSESSMENT / TENTATIVE MILLAGE / TENTATIVE BUDGET FY 2014/2015

#### 1. OPENING

- a. Call to Order & Roll Call

Only three (3) Members of Council were present, and Town Attorney Cirullo pointed out since there was neither Mayor nor Vice-Mayor the remaining members would have to appoint a Chair Pro Tem.

**Councilman Rockett appointed Councilman Ryan Liang as Chair Pro Tem.**

Councilman Liang called the meeting to order at 7:01 p.m. In attendance were Councilman Liang as Chair Pro Tem, Councilmen Tom Goltzené, and Jim Rockett. Mayor David Browning and Vice-Mayor Ron Jarriel were not present at this time. Also in attendance were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Bill Underwood of Underwood Management Services, and Town Clerk Janet K. Whipple.

- b. Pledge of Allegiance & Invocation – Chair Pro Tem Councilman Liang
- c. Approval of Agenda

**Motion: Councilman Rockett made a motion to approve the Agenda as presented. Councilman Goltzené seconded the motion. Upon vote, the motion passed 3/0.**

Town Attorney Cirullo stated for the record that all votes have to be unanimous in order to take action.

**2. CONSENT AGENDA - NONE**

**3. PUBLIC COMMENT**

No Public comments.

**4. PRESENTATIONS – NONE**

**5. COMMITTEE REPORTS - NONE**

**6. RESOLUTIONS**

**a. RESOLUTION NO. 2014-09: PUBLIC HEARING / SOLID WASTE ASSESSMENT FY 2014/2015**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2014-2015; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2014; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Cirullo provided background and read the title of Resolution No. 2014-09.

Bill Underwood, Underwood Management Services, noted this was a perfunctory resolution like the Town passed last year. The rate for the Waste Collection Assessed Costs for the 2014-2015 Fiscal year, commencing October 1, 2014, will be \$344.10 annually per dwelling unit, as was the

prior year. The Town currently has 1,256 units being assessed, and the cost will be \$432,190 for removal of residential solid waste.

**Motion: Councilman Rockett made a motion to approve Resolution No. 2014-09.**

Councilman Goltzené stated the Council needed to consider the letter from Catherine Roze first.

Town Attorney Cirullo summarize that Ms. Roze, 1044 D Road, was being assessed solid waste fees for two units on this piece of property, one of which is a Recreational Vehicle (R/V) which she states in now used for storage. She may be responsible for some fees, but the assessments would be imposed for cost of services going forward.

Catherine Roze, 1044 D Road, provided the Council with a brief history of her property, and noted the trailer was now storage, so she felt she should only be assessed for one unit on her property.

Council discussed the assessment for Ms. Roze with Town Attorney Cirullo and Mr. Underwood.

Mr. Underwood referenced page eight (8) of sixty-two (62) paragraph “c” to identify the total assessed cost which was \$432,190 would now be \$431,846.

Perla Underwood, Underwood Management Services, explained how, and when, the solid waste fees are assessed.

No comments from the audience.

**Motion: Councilman Rockett made a motion to approve Resolution No. 2014-09 with the amendment to the Service Assessment Revenue to now be \$431,845.50, and to reduce the assessment on this property to one (1) unit from two (2) units. Councilman Goltzené seconded the motion. Upon roll call vote, the motion passed 3/0.**

Town Attorney Cirullo requested that when making motions for the tentative millage rate and budget that the motion include the date of the 2<sup>nd</sup> and Final Public Hearing which will be Tuesday, September 23, 2014, at 7:00 p.m. at the Loxahatchee Groves Water Control District (LGWCD) location.

**b. RESOLUTION NO, 2014-10: FIRST PUBLIC HEARING / TENTATIVE MILLAGE FY 2014/2015**

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2014-2015, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; SETTING FORTH THE DATE, TIME AND

PLACE FOR THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE TOWN'S MILLAGE RATE FOR THE FISCAL YEAR 2014-2015 AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Bill Underwood explained the procedures for adopting the final millage rate and the final budget and requested how Council would like to proceed. He explained excess funding, the rolled back rate is 1.0954, and the millage is 1.5 which is a 36.94% increase over the prior year.

Council discussed budget items with Mr. Underwood, and whether to approve the 1.2 or 1.5 millage rate.

**Motion: Councilman Rockett made a motion to set the tentative millage rate at 1.2 mills. Councilman Goltzené seconded the motion for discussion.**

Councilman Goltzene felt the full Council should be present to vote on this matter, and that Council should vote on 1.5 mills tonight and move forward. He would encourage Councilman Rockett to change his motion for this meeting, so that the subject could be discussed further with a full Council.

Town Attorney Cirullo stated the Council could not go higher on the millage rate that what was voted on this evening; however, they can go lower.

Public comments were opened at 7:37 p.m.

Keith Harris, 2580 C Road, requested Council vote for the 1.5 mills this evening so that a full Council will have the opportunity to decide at the next meeting.

Virginia Standish, 15410 North Road, speaking as a resident first, then as Chair of the Finance Advisory and Audit Committee (FAAC), she would like the millage to be 1.2 but also feels that a full Council should be present for such a serious decision.

Public Comments closed at 7:40 p.m.

**Upon roll call vote the motion failed 1/2 with Councilmen Liang and Goltzené casting dissenting votes.**

**Motion: Councilman Goltzene made a motion to approve the millage rate of 1.5 mills. Chair Liang passed the gavel to Councilman Rockett and seconded the motion. Upon roll call vote, even though the vote passed 2/1 (with Councilman Rockett casting the dissenting vote) the vote failed for lack of a unanimous vote.**

Council seriously deliberated on the millage rates, and were told they needed to make a decision at this meeting in order to move forward to the final millage at the next Town Council Meeting. There was a brief break from 7:55-7:58 p.m. as Councilman Goltzené left the dais.

A formal break followed from 7:59-8:05 p.m.

Members of the audience expressed their opinions on the matter.

**Motion: Councilman Rockett made a motion to amend his motion, contrary to his principals, to allow for full Council vote for procedural purposes. He will change his motion to approve the tentative millage to 1.5 mills solely for the purposes of moving the vote on the millage rate for vote of full Council. Notwithstanding, Councilman Rockett is against 1.5 mills and will vote for 1.2 mills at the next meeting. Filling in the blanks the motion will be for 1.5 mills which is 36.9% greater than the roll back rate at 1.0954. The next meeting will be on September 23, 2014, at 7:00 P.M. at the Loxahatchee Groves Water Control District (LGWCD) location to discuss, in final, the millage and budget. Councilman Goltzené seconded the motion. Upon roll call vote the motion passed 3/0.**

Town Attorney Cirullo read the title of Resolution No. 2014-09.

**c. RESOLUTION NO, 2014-11: FIRST PUBLIC HEARING / TENTATIVE BUDGET FY 2014/2015**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; SETTING FORTH THE DATE, TIME AND PLACE FOR THE SECOND PUBLIC HEARING FOR THE ADOPTION OF THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Resolution No. 2014-10.

Mr. Underwood further explained budget items in Revenues and Expenditures.

**Motion: Councilman Goltzené made a motion to adopt the Tentative Budget as presented. Councilman Rockett seconded the motion.**

Councilman Goltzené left the dais at 8:21, and there could not be a vote until all Council Members were present.

Town Attorney Cirullo suggested a recess.

**Councilman Rockett seconded the motion to adopt Resolution No. 2014-11, with the contingency that Staff has prepared options for Council to show a Budget with the 1.2 millage rate.**

Council discussed various aspects of the budget and millage rate.

**Councilman Goltzene withdrew his motion, and at this time there is not motion on the table.**

Chair Liang passed the gavel to Councilman Rockett and wanted to make a motion that with direction to Council to suggest any and all Budget cuts to be discussed at the next meeting.

During discussion, Mayor Browning arrived at 8:40 p.m. and took over meeting.

There was not a motion on the table to take action on.

Councilman Goltzené requested a five (5) minute break to recap the meeting for Mayor Browning.

Mayor Browning called for a break, 8:41-8:45 p.m.

Mayor Browning opened the discussion for Public Comments at 8:41 p.m.

No comments from the public.

**Motion: Councilman Liang made a motion to adopt Resolution No. 2014-11 for the Tentative Budget. Councilman Goltzené seconded the motion. Upon roll call vote, the motion passed 4/0.**

**7. ORDINANCES - NONE**

**8. ADMINISTRATIVE UPDATE – *Town Manager Kutney***

Town Manager Kutney had no report this evening.

**9. OLD BUSINESS - NONE**

**10. NEW BUSINESS - NONE**

**11. CLOSING COMMENTS**

a. Public

No further comments.

b. Town Attorney

Town Attorney Cirullo stated “Go Gators”.

c. Town Council Members

Councilman Rockett thanked everyone for coming.

Councilman Liang also thanked everyone for coming.

Councilman Goltzené thanked everyone for coming as well.

Mayor Browning thanked everyone for coming, including himself.

**12. ADJOURNMENT**

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 8:48 p.m.

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Janet K. Whipple, Town Clerk

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David Browning, Mayor

*These minutes were approved during the November 18, 2014 Town Council Meeting.*



**Item 6.a. & 6.b.**

**ORDINANCES**

**Ordinance No. 2014-06 – Day Property Comp Plan Change**

**Ordinance No. 2014-07 - Day Property Rezoning**

# Town of Loxahatchee Groves, FLORIDA

## Town Council AGENDA ITEM REPORT

### AGENDA ITEM NO.6.a. & 6.b.

MEETING DATE: 11/18/2014

**PREPARED BY:** William F. Underwood, II, ICMA-CM

**SUBJECT:** Ordinances on Second/Final Reading; Public Hearing for Land Use Plan Amendment and Quasi-Judicial Second/Final Public Hearing for Rezoning of the Willie H. and Frankie J. Day Property (Day Property)

#### 1. BACKGROUND/HISTORY

**Legislative Update:** Town Council Unanimously Approved the Ordinances on first reading, 11/04/2014; by a vote of 4/0 (Councilman Goltzené was not present at this meeting).

**Problem Statement:** A request for a land use and zoning change for the Day Property is needed before permits can be issued for construction.

**Problem Solution:** Town Council hold its second public hearing and adopt ordinances to provide for the land use and zoning changes.

As the Council is aware, the Day Property has been under consideration for some time for approval of approximately a 9.3 acre parcel at the southwest corner intersection of Okeechobee Blvd, and Folsom Road.

#### 2. CURRENT ACTIVITY

At the October 23, 2014, Planning and Zoning Committee meeting, the committee heard discussion on the application and merits of changing the land use and zoning of the subject parcel. After considerable discussion, the Committee approved unanimously to approve both the land use change from Rural Residential to Commercial Low to accommodate future development.

#### 3. ATTACHMENTS

Ordinance No. 2014-06  
Ordinance No. 2014-07

#### 4. FINANCIAL IMPACT

The land use and zoning changes will provide increased value to the Town's ad valorem tax basis.

#### 5. RECOMMENDED ACTION

1. Open Public Hearing on Ordinance No. 2014-06.
2. Close Public hearing after receiving comments.
3. Motion to approve ordinance 2014-06 by a super majority vote.
4. Open Quasi-Judicial Public Hearing on Ordinance 2014-07.
5. Close Public Hearing after receiving comments.
6. Motion to approve Ordinance 2014-07 by a super majority vote.

## **Loxahatchee Groves Town Council Agenda Item No. 6.a Report**

**Meeting Date: November 4, 2014/November 18, 2014**

**Prepared By:** Jim Fleischmann, Town Planning Consultant

**Subject:** Day Property Comprehensive Plan Amendment (CPA) 14-02 (SS)

### **A. Background/History:**

**Issue Statement:** CPA 14-02 (SS) is an application for an amendment to the Comprehensive Plan to change the Future Land Use Map designation of the Day property from Rural Residential 5 to Commercial Low. The property is 9.30 acres in size and located at the southwest corner of Okeechobee Boulevard and Folsom Road.

**Potential Actions:** (1) Approve CPA 14-02 (SS); (2) Deny CPA 14-02 (SS); or (3) Approve CPA 14-02 (SS) subject to conditions.

### **B. Current Activity:**

CPA 14-02 (SS) and a companion rezoning application (REZ 14-02) have been filed to change the Future Land Use Map and Zoning Designations on the 9.30 acre Day property to Commercial Low (CL) designations.

The Local Planning Agency (LPA) recommended approval of the Staff recommendation (see below) at its meeting on October 23, 2014 by a 5 – 0 vote.

### **C. Attachments:**

Staff Report which contains a detailed review of both CPA 14-02 (SS) and REZ 14-02.

### **D. Town Financial Impact:**

None. Review of CPA 14-02 (SS) is funded by the Town's Cost Recovery system.

### **E. Recommended Action:**

Staff recommends approval of CPA 14-02 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.

1 of 2

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.

**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

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

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;

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

**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 affect 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 LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 18<sup>th</sup> DAY OF NOVEMBER, 2014.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Council Member Ryan Liang

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Jim Rockett

\_\_\_\_\_  
Office of the Town Attorney

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

**EXHIBIT A**

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

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

**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.

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2014-06

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 3<sup>rd</sup> 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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

**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.

## TOWN OF LOXAHATCHEE GROVES

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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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

**Staff Review Summary**

**A. Adjacent Land Uses**

<b>Direction</b>	<b>Existing Uses</b>	<b>FLU and Zoning Designations</b>
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**

<b>Infrastructure Service</b>	<b>Summary</b>
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**

<b>Item</b>	<b>Summary</b>
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

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

**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.

## TOWN OF LOXAHATCHEE GROVES

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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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

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**

<b>Regulation</b>	<b>Standard</b>	<b>Property Complies?</b>
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:

<b>Criterion</b>	<b>Can Property Comply?</b>
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

**TOWN OF LOXAHATCHEE GROVES**

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

<b>Criterion</b>	<b>Can Property Comply?</b>
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.**

<b>Requirement</b>	<b>Response</b>
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.

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2014-06

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.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-06

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.

**TOWN OF LOXAHATCHEE GROVES**

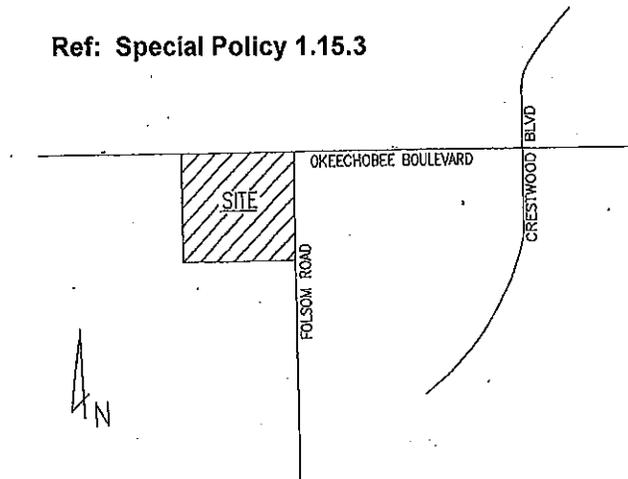
**ORDINANCE NO. 2014-06**

**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**

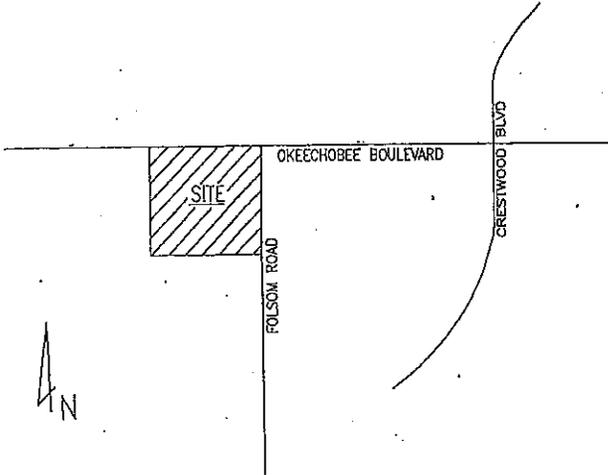


TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-06

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

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



**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-06**

**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)**

**ZONING MAP AMENDMENT 2014-02(SS)**



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**

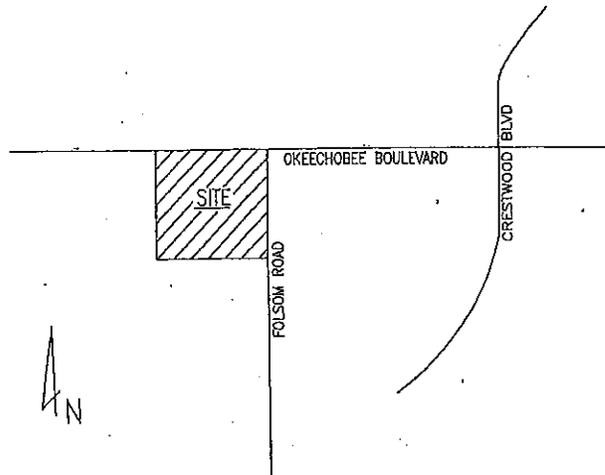
Lot 33, less the West 1158.6 feet thereof, Block F, Loxahatchee Groves, according to the map or plat thereof as recorded in Plat Book 12, page 29, public records of Palm Beach County, Florida. Less and except the following parcel:

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)**



**Loxahatchee Groves Town Council Agenda Item No. \* .b" Report**

**Meeting Date: November 4, 2014**

**Prepared By:** Jim Fleischmann, Town Planning Consultant

**Subject:** Day Property Rezoning – REZ 2014-02

**A. Background/History:**

**Issue Statement:** REZ 14-02 is a companion application to CPA 14-02 (SS) for an amendment to change the Zoning Map designation of the Day property from Agricultural Residential (AR) to Commercial Low (CL). The property is 9.30 acres in size and is located at the southwest corner of Okeechobee Boulevard and Folsom Road.

**Potential Actions:** (1) Approve REZ 14-02; (2) Deny REZ 14-02; or (3) Approve REZ 14-02 subject to conditions.

**B. Current Activity:**

CPA 14-02 (SS) and a companion rezoning application (REZ 14-02) have been filed to change the Future Land Use Map and Zoning Designations on the 9.30 acre Day property to Commercial Low (CL) designations. Approval of REZ 14-02 will make the Zoning Map designation consistent with the Future Land Use Map designation of the property, provided that CPA 14-02 is first approved by the Town Council

The Local Planning Agency (LPA) recommended approval of the Staff recommendation (see below) at its meeting on October 23, 2014 by a 5 – 0 vote.

**C. Attachments:**

Staff Report, which contains a detailed review of both CPA 14-02 (SS) and REZ 14-02.

**D. Town Financial Impact:**

None. Review of REZ 14-02 is funded by the Town's Cost Recovery system.

**E. Recommended Action:**

Staff recommends approval of REZ 14-02 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.
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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT REZ 14-02 TO THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE, CONCERNING A REZONING APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE ZONING DESIGNATION OF THE SUBJECT PROPERTY FROM AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL LOW (CL) 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 ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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**, the Property Owners, Willie H. and Frankie J. Day, have petitioned the Town to rezone certain property located at the southwest corner of Okeechobee Boulevard and Folsom Road totaling 9.30 acres more or less, legally described and as designated on the map in Exhibit "A", attached hereto (the "Property"), from the Town's zoning designation of Agricultural Residential (AR) to the Town's zoning designation of Commercial Low (CL), in order to correspond to the approval by the Town of the Applicant's application to amend the Land Use of the property to the Town's Future Land Use designation of Commercial Low (CL); and,

**WHEREAS**, the Town's Planning Consultant recommends approval of Rezoning Application REZ 14-2, from the Rural Residential 5 Land Use Category to Commercial Low, 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,

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**WHEREAS**, at its meeting of October 23, 2014, the Town’s Planning and Zoning Board, considered the request to rezone the Property, and recommended approval to the Town Council; and

**WHEREAS**, the notice and hearing requirements for adoption of rezoning ordinances contained in the Florida Statutes and the Town’s Unified Land Development code have been satisfied; and

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered the petition for rezoning, and the recommendations of the Town’s Planning Consultant, Planning and Zoning Board, and the comments from the public.

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 reviewed the application as the governing board of the Town, and finds the following:

1. The Rezoning is consistent with the goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan; and
2. The Rezoning meets the requirements for a rezoning stated in Section 160-020 of the Town’s Unified Land Development Code.

**Section 3:** That the Town Council approves and adopts the recommendations of the Town’s Planning Consultant and Planning and Zoning Board, which are incorporated herein.

**Section 4.** The rezoning of the Property located at the southwest corner of Okeechobee Boulevard and Folsom Road totaling 9.30 acres more or less, subject to the conditions of approval set forth in the Town Planning Consultant’s Staff Report, attached hereto as Exhibit “A” and as legally

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

described and as designated on the map in Exhibit “B” and subject to the conditions of approval contained in Exhibit “C”, attached hereto, from the Town’s zoning designation of Agricultural Residential (AR) to the Town’s zoning designation of Commercial Low (CL) is hereby approved.

**Section 5.** 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 6.** 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 7.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**Section 8.** 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 4<sup>th</sup> DAY OF NOVEMBER, 2014.**

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

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

\_\_\_\_\_  
Council Member Tom Goltzené

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Jim Rockett

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**EXHIBIT A**

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

**TOWN OF LOXAHATCHEE GROVES**

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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.

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2014-07

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 3<sup>rd</sup> 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.

# TOWN OF LOXAHATCHEE GROVES

## ORDINANCE NO. 2014-07

### 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.

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2014-07

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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**Staff Review Summary**

**A. Adjacent Land Uses**

<b>Direction</b>	<b>Existing Uses</b>	<b>FLU and Zoning Designations</b>
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**

<b>Infrastructure Service</b>	<b>Summary</b>
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**

<b>Item</b>	<b>Summary</b>
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

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**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.

# TOWN OF LOXAHATCHEE GROVES

## ORDINANCE NO. 2014-07

**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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

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**

<b>Regulation</b>	<b>Standard</b>	<b>Property Complies?</b>
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:

<b>Criterion</b>	<b>Can Property Comply?</b>
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

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

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

<b>Criterion</b>	<b>Can Property Comply?</b>
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.**

<b>Requirement</b>	<b>Response</b>
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.

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2014-07

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.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**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.

**TOWN OF LOXAHATCHEE GROVES**

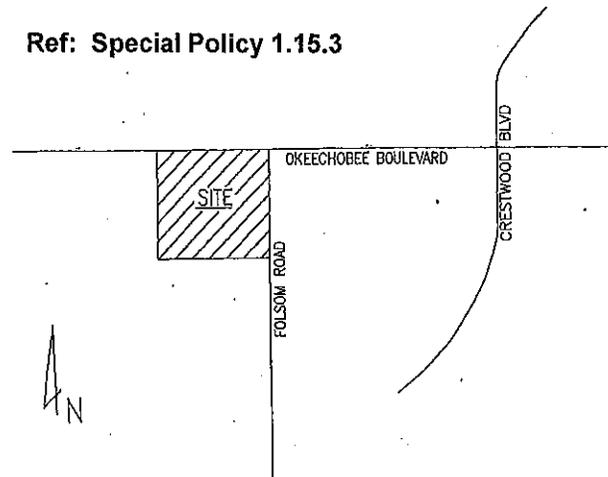
**ORDINANCE NO. 2014-07**

**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**

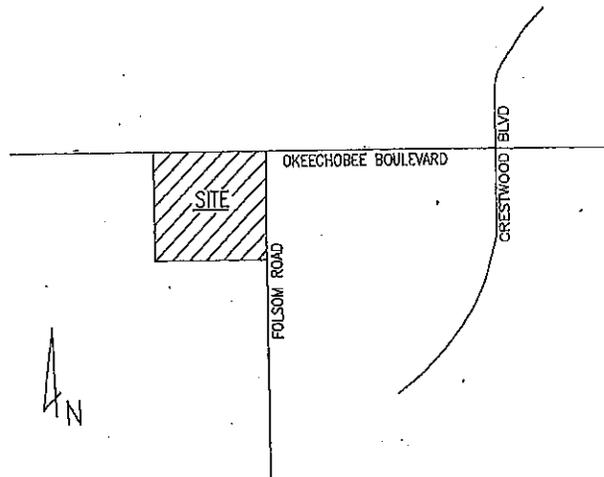


**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

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

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



**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**ATTACHMENT B2  
DAY PROIPERTY  
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)**



**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**EXHIBIT B - ZONING MAP AMENDMENT 2014-02(SS)  
DAY PROPERTY**

**LEGAL DESCRIPTION**

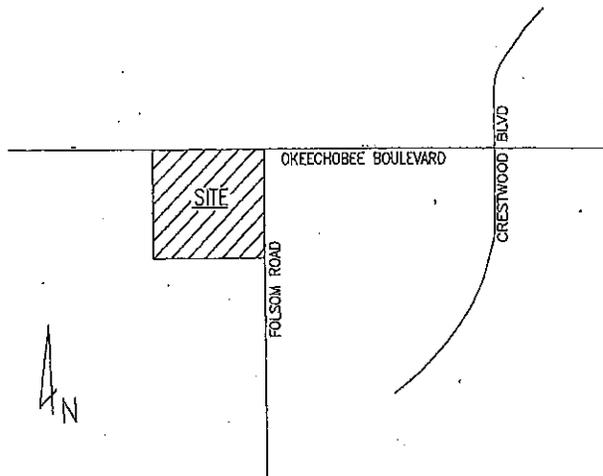
Lot 33, less the West 1158.6 feet thereof, Block F, Loxahatchee Groves, according to the map or plat thereof as recorded in Plat Book 12, page 29, public records of Palm Beach County, Florida. Less and except the following parcel:

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)**



**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-07**

**EXHIBIT C**

**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.



**Item 7.a.**

**RESOLUTIONS**

**Resolution No. 2014-18**

**Restrictive Covenants – Day Property**

**TOWN OF LOXAHATCHEE GROVES  
FLORIDA**

**RESOLUTION NO. 2014-18**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE RESTRICTIVE COVENANT FROM WILLIAM AND FRANKIE DAY RELATING TO THE CONDITIONS OF APPROVAL FOR THE LAND USE AMENDMENT FOR COMMERCIAL DEVELOPMENT ON THEIR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has approved a Land Use Amendment for a 9.3 acre Property owned by William and Frankie Day, located at the southwest corner of Okeechobee Boulevard and Folsom Road; and,

**WHEREAS**, pursuant to the conditions of approval for the Land Use Amendment, William and Frankie Day have executed a Restrictive Covenant to limit the development on the Property to 30,000 square feet, equivalent to a floor area ratio of 0.074, provided that the FAR shall increase should the Town Council ever subsequently approve a commercial development on property fronting on Okeechobee Boulevard with a greater FAR to the same FAR as subsequently approved by the Town Council; and,

**WHEREAS**, the counsel for the Town and the Days have agreed on the form of the Restrictive Covenant, attached hereto, to be recorded in order to confirm the condition of approval for the Land Use Amendment for the Property; and,

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves hereby finds it in the best interest of the Town to accept the Restrictive Covenant from William and Frankie Day.

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

**TOWN OF LOXAHATCHEE GROVES  
FLORIDA**

**RESOLUTION NO. 2014-18**

**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 Resolution upon adoption hereof.

**Section 2.** The Town Council hereby accepts the Restrictive Covenant, executed by William and Frankie Day, the form of which is attached hereto as Exhibit "A".

**Section 3.** The Town Manager and Town Attorney are authorized to ensure the recording of the Restrictive Covenant, and to otherwise take all steps necessary to effectuate the intent of this Resolution.

**Section 4.** This Resolution shall become effective upon adoption.

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 18<sup>th</sup> day of November, 2014.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Council Member Ryan Liang

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Jim Rockett

\_\_\_\_\_  
Office of the Town Attorney



**Item 7.b.**

**RESOLUTIONS**

**Resolution No. 2014-19**

**Budget Amendments – FY 2013/2014**

**Town of Loxahatchee Groves, FLORIDA  
Town Council AGENDA ITEM REPORT**

**AGENDA ITEM NO. 7.b.**

MEETING DATE: 11/18/2014

**PREPARED BY:** William F. Underwood, II

**SUBJECT:** FY 2014 End of Year Budget Amendment

**1. BACKGROUND/HISTORY**

**Problem Statement:** The Town Council needs to reallocate its Fiscal Year 2014 budget appropriation requests.

**Problem Solution:** Provide the Council with a reallocated Fiscal Year 2014 budget amendment.

Annually, the Council establishes a budget appropriation and estimated revenues to meet the needs of its citizens. The Council periodically amends its operating budgets for the Town in all of its funds (General Fund, Transportation Fund, Capital Improvement Fund, and Solid Waste Fund).

**2. CURRENT ACTIVITY**

Staff continually reviews both revenue and expenditures of the Town to monitor that revenues are within estimates and appropriations provide sufficient funds to match expenditures.

**3. ATTACHMENTS**

Resolution Amending the Fiscal Year 2014 Annual Budget

**4. FINANCIAL IMPACT**

This amendment reduces Town-wide appropriations by \$2,760,234 from \$5,350,949 to \$2,590,715.

**5. RECOMMENDED ACTION**

Motion to approve Resolution amending the Fiscal Year 2014 Annual Budget

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2014-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 166.241(4), Florida Statutes, the Town may amend its adopted budget for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014, at any time within a fiscal year, and

**WHEREAS**, the Town Management has concluded a review of the budget and expenditures during the Fiscal Year beginning October 1, 2013 and ending September 30, 2014, and is recommending amendments to the Town's budget as set forth in Exhibit A" hereto.

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

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

**Section 2.** The Town's adopted budget for the Fiscal Year beginning October 1, 2013, and ending September 30, 2014, is hereby amended as set forth in Exhibit "A", attached hereto and expressly made a part hereof.

**Section 3.** If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed

to the extent of such conflict.

**Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_\_\_ DAY OF NOVEMBER, 2014.**

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Vice Mayor Ron Jarriel

\_\_\_\_\_  
Council Member Tom Goltzene

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Jim Rockett

**EXHIBIT "A"**

**(BUDGET AMENDMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013  
AND ENDING ON SEPTEMBER 30, 2014)**

**GENERAL FUND:  
Fiscal Year 2013-14**

Account Number		FY13-14 ADOPTED BUDGET	FY13-14 CHANGE	FY13-14 AMENDED BUDGET
<b>ESTIMATED REVENUES</b>				
<b>TAXES</b>				
001-311-100-000	AD VALOREM TAXES @ 1.2000	197,297	\$16,483	\$213,780
	<b>TAXES SUBTOTAL</b>	<b>197,297</b>	<b>\$16,483</b>	<b>\$213,780</b>
001-314-100-000	ELECTRIC UTILITY TAX	203,000	51,425	\$254,425
001-314-510-000	COMMUNICATION SERVICES TAX	125,446	<b>(23,758)</b>	\$101,688
001-316-200-000	COUNTY OCCUPATIONAL LICENSES	5,000	\$3,098	\$8,098
	<b>TAXES SUBTOTAL</b>	<b>333,446</b>	<b>\$30,765</b>	<b>\$364,211</b>
001-323-100-000	FPL FRANCHISE FEE	200,000	\$ <b>(17,750.00)</b>	\$182,250
001-323-125-000	HAULER LICENSING FEE	2,000	\$ 1,505.00	\$3,505
001-323-300-000	PBC WATER UTILITY FRANCHISE FEE	5,050	\$ 7,890.00	\$12,940
001-329-100-000	PLANNING & ZONING PERMIT	100	\$ 7,434.00	\$7,534
	<b>PERMITS, FRANCHISE FEES &amp; SPECIAL SUBTOTAL</b>	<b>207,150</b>	\$ <b>(921.00)</b>	<b>\$206,229</b>
001-335-120-000	STATE REVENUE SHARING	85,446	\$ <b>(5,450.00)</b>	\$79,996
001-335-180-000	HALF CENT SALES TAX	224,014	\$ 8,057.00	\$232,071
	<b>INTERGOVERNMENTAL REVENUE SUBTOTAL</b>	<b>309,460</b>	\$ <b>2,607.00</b>	<b>\$312,067</b>
001-341-000-000	GENERAL GOVERNMENT CHARGES	7,000	\$ <b>(3,192.00)</b>	\$3,808
001-343-349-000	COST RECOVERY FEES	25,000	\$ 9,397.00	\$34,397
	<b>CHARGES FOR SERVICES</b>	<b>32,000</b>	\$ <b>6,205.00</b>	<b>\$38,205</b>
001-351-100-000	COURT FINES	2,500	\$ <b>(2,500.00)</b>	\$0
001-354-100-000	CODE ENFORCEMENT FINES	5,000	\$ 4,649.00	\$9,649
	<b>JUDGEMENTS, FINES &amp; FORFEITS SUBTOTAL</b>	<b>7,500</b>	\$ <b>2,149.00</b>	<b>\$9,649</b>
<b>MISCELLANEOUS</b>				
001-361-100-000	INTEREST	5,000	\$ <b>(4,842.00)</b>	\$158
001-369-000-000	OTHER MISC INCOME	5,000	\$ 37,992.00	\$42,992
	<b>OTHER MISC. REVENUE SUBTOTAL</b>	<b>10,000</b>	\$ <b>33,150.00</b>	<b>43,150</b>
001-381-305-000	INTER-FUND TRANSFER IN CIP	400,000	\$ <b>(400,000.00)</b>	\$0
001-385-100-000	TRANSFER FROM SANITATION FUND	-	\$ -	\$0
001-399-000-000	TRANSFER FROM FUND BALANCE	-	\$ -	\$0
	<b>OTHER NON-OPERATING SOURCES TOTAL</b>	<b>400,000</b>	\$ <b>(400,000.00)</b>	<b>\$0</b>
	<b>GRAND TOTAL REVENUE</b>	<b>1,496,853.00</b>	\$ <b>(309,562.00)</b>	<b>\$1,187,291</b>

**GENERAL FUND:  
Fiscal Year 2013-14**

Account Number		FY13-14 ADOPTED BUDGET	FY13-14 CHANGE	FY13-14 AMENDED BUDGET
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**APPROPRIATIONS**

**LEGISLATIVE**

001-511-310-000	PROFESSIONAL SERVICES	60,000	(57,850)	2,150
001-511-400-000	TRAVEL	3,000	(2,800)	200
001-511-490-000	POSTAGE & FREIGHT - (Was legal advertising)	-	0	0
001-511-492-000	OTHER OPERATING EXPENSES	1,500	(1,256)	244
001-511-499-000	OTHER CURRENT CHARGES - New Town Counsel Compensaton	30,000	0	30,000
001-511-500-000	EDUCATION AND TRAINING	1,000	0	1,000
001-511-510-000	OFFICE SUPPLIES	300	150	450
001-511-520-000	OPERATING SUPPLIES	300	0	300
001-511-540-000	BOOKS, PUBLICATIONS AND DUES	2,435	3,648	6,083
001-511-820-000	SPECIAL EVENTS/CONTRIBUTIONS	5,350	150	5,500
	<b>LEGISLATIVE TOTAL</b>	<b>103,885.00</b>	<b>(57,958.00)</b>	<b>45,927.00</b>

**EXECUTIVE**

001-512-340-000	OTHER SERVICES	264,106	0	264,106
001-512-400-000	TRAVEL	1,000	0	1,000
001-512-410-000	COMMUNICATION SERVICES - (Moved to Gen Govt)	-	0	0
001-512-420-000	POSTAGE & FREIGHT	1,000	0	1,000
001-512-490-000	LEGAL ADVERTISING - (New)	1,000	0	1,000
001-512-492-000	OTHER OPERATING EXPENSES	944	0	944
001-512-493-000	ELECTION EXPENSE	8,010	(6,762)	1,248
001-512-510-000	OFFICE SUPPLIES	8,600	4,225	12,825
001-512-521-000	LOXAHATCHEE GROVES C.E.R.T. - (Moved to Gen Govt)	-	0	0
001-512-540-000	BOOKS, PUBLICATIONS AND DUES	570	0	570
	<b>EXECUTIVE TOTAL</b>	<b>285,230.00</b>	<b>(2,537.00)</b>	<b>282,693.00</b>

**FINANICAL AND ADMINSTRATIVE**

001-513-320-000	ACCOUNTING AND AUDITING	18,000	1,200	19,200
001-513-470-000	PRINTING AND BINDING	4,750	(4,750)	0
001-513-490-000	LEGAL ADVERTISING	1,500	0	1,500
001-513-493-000	ELECTION EXPENSE - (Moved to Executive)	-	0	0
	<b>FINANICAL AND ADMINSTRATIVE TOTAL</b>	<b>24,250.00</b>	<b>(3,550.00)</b>	<b>20,700.00</b>

**LEGAL COUNSEL**

001-514-310-000	PROFESSIONAL SERVICES	90,000	(592)	89,408
001-514-312-000	LEGAL -COMP PLAN	-	0	0
	<b>LEGAL SERVICES TOTAL</b>	<b>90,000.00</b>	<b>(592.00)</b>	<b>89,408.00</b>

**PLANNING & ZONING**

001-515-310-000	PROFESSIONAL SERVICES	40,000	9,943	49,943
001-515-340-000	OTHER SERVICES	79,042	(1)	79,041
001-515-343-000	PLANNING & ZONING CONTRACT	20,000	(17,592)	2,408
001-515-347-000	COMPREHENSIVE PLAN	-	0	0
001-515-349-000	COST RECOVERY EXPENDITURES	25,000	15,134	40,134
001-515-490-000	LEGAL ADVERTISING - (New)	6,000	7,669	13,669
	<b>COMPREHENSIVE PLANNING AND ZONING TOTAL</b>	<b>170,042.00</b>	<b>15,153.00</b>	<b>185,195.00</b>

**GENERAL FUND:  
Fiscal Year 2013-14**

Account Number		FY13-14 ADOPTED BUDGET	FY13-14 CHANGE	FY13-14 AMENDED BUDGET
<b>OTHER GENERAL GOVERNMENT</b>				
001-519-315-000	SPECIAL MAGISTRATE	16,000	(6,829)	9,171
001-519-354-000	CODE COMPLIANCE	41,000	(15,466)	25,534
001-519-410-000	COMMUNICATION SERVICES	5,700	1,863	7,563
001-519-440-000	RENTALS AND LEASES	20,000	0	20,000
001-519-450-000	INSURANCE	18,000	(2,889)	15,111
001-519-460-000	R & M BUILDINGS	2,450	2,097	4,547
001-519-470-000	PRINTING AND BINDING	-	0	0
001-519-480-000	PROMOTIONAL ACTIVITIES	-	0	0
001-519-490-000	COMPUTER EQUIP SOFTWARE & HARDWARE REPAIR	2,500	0	2,500
001-519-491-000	COMPUTER SERVICES	3,631	2,758	6,389
001-519-494-000	INSPECTOR GENERAL OFFICE FEE	5,280	(2,562)	2,718
001-519-820-000	LOXAHATCHEE GROVES CERT	2,000	(950)	1,050
001-519-900-000	TRANSFER TO TRANSPORTATION FUND	-	0	0
001-519-910-000	TRANSFER TO SANITATION FUND	-	0	0
001-519-920-000	TRANSFER TO CAPITAL PROJECTS FUND	-	0	0
001-519-990-000	CONTINGENCY	12,104	(12,104)	0
001-519-999-000	TRANSFER TO GENERAL FUND-FUND BALANCE	400,000	(217,114)	182,886
<b>OTHER GENERAL GOVERNMENT SERVICES TOTAL</b>		<b>528,665.00</b>	<b>(251,196.00)</b>	<b>277,469.00</b>
<b>LAW ENFORCEMENT</b>				
001-521-341-000	PROFESSIONAL SERVICES-PBSO	280,281	234	280,515
001-521-342-000	CONTRACTUAL-ADDL PBSO	500	0	500
<b>LAW ENFORCEMENT TOTAL</b>		<b>280,781.00</b>	<b>234.00</b>	<b>281,015.00</b>
<b>PUBLIC WORKS</b>				
001-539-340-000	OTHER SERVICES	14,000	(9,116)	4,884
001-539-310-000	PROFESSIONAL SERVICES	-	0	0
<b>PUBLIC WORKS TOTAL</b>		<b>14,000.00</b>	<b>(9,116.00)</b>	<b>4,884.00</b>
<b>GRAND TOTAL EXPENDITURES</b>		<b>1,496,853.00</b>	<b>(309,562.00)</b>	<b>1,187,291.00</b>

**Transportation Fund  
Fiscal Year 2013-14**

Account Number		FY13-14 ADOPTED BUDGET	FY13-14 CHANGE	FY13-14 AMENDED BUDGET
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**ESTIMATED REVENUES**

101-312-410-000	FIRST LOCAL OPTION FUEL TAX (6 CENT)	249,245	(2,028)	247,217
101-312-420-000	SECOND LOCAL OPTION FUEL (5 CENT)	117,326	629	117,955
101-363-990-000	CONTRIBUTION FROM GENERAL FUND	-	-	-
001-399-000-000	TRANSFER FROM FUND BALANCE (6 CT)	856,191	(822,795)	33,396
<b>Total Revenue</b>		<b>1,222,762</b>	<b>(824,194)</b>	<b>398,568</b>

**APPROPRIATIONS**

101-541-467-000	TRAFFIC CONTROL SIGNS - 6 c	6,000	(1,544)	4,456
101-541-468-000	TOWN ROADS MAINT. - 6 c	93,245	(39,775)	53,470
101-541-469-000	ROAD MAINTENANCE DISTRICT - 6 c	150,000	-	150,000
101-541-631-000	ROAD AND STREETS - NEW CONSTRUCTION - :	-	-	-
101-541-632-000	SPECIAL PROJECTS	-	-	-
101-541-633-000	22nd ROAD DITCH	-	-	-
101-541-634-000	148th TERR BRIDGE(5)/CULVERT	-	-	-
101-541-920-000	TRANSFER TO CAPITAL PROJECT	973,517	(973,517)	190,642
101-541-990-000	TRANSFER TO FUND BALANCE (5 CT)	-	-	-
101-541-996-000	TRANSFER TO FUND BALANCE (6 CT)	-	-	-
<b>Total Expenditure</b>		<b>1,222,762</b>	<b>(1,014,836)</b>	<b>398,568</b>

**CAPITAL IMPROVEMENT FUND**  
**Fiscal Year 2013-14**

Account Number		FY13-14 ADOPTED BUDGET	FY13-14 AMENDED BUDGET
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<b>ESTIMATED REVENUES</b>
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305-363-990-000	CONTRIBUTION FROM GENERAL FUND	-	-
305-363-991-000	CONTRIBUTION FROM TRANSPORTATION FUN.	973,517	190,642
305-399-000-000	TRANSFER FROM FUND BALANCE	1,229,047	400,000
<b>Total Revenue</b>		<b>2,202,564</b>	<b>590,642</b>

<b>APPROPRIATIONS</b>
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305-519-600-000	DEVELOP TOWN HALL ALTERNATIVES	-	-
305-541-610-000	SURVEYING TOWN ROADS	100,000	9,653
305-541-620-000	OGEM Collecting Canal Road	943,630	-
305-541-630-000	Okeechobee and D Road Traffic Light	250,000	6,000
305-541-640-000	Town Roads OGEM Projects	100,000	141,836
305-541-650-000	Trails	80,000	4,260
305-541-652-000	D Road to Southern Boulevard	300,000	-
305-541-654-000	Purchase Roads from LGWCD	28,934	28,893
305-581-001-000	Inter-fund Transfer Out Gen. Fund	400,000	400,000
<b>Total Expenditure</b>		<b>2,202,564</b>	<b>590,642</b>

**Solid Waste Fund  
Fiscal Year 2013-14**

Account Number		FY13-14 ADOPTED BUDGET	FY13-14 CHANGE	FY13-14 AMENDED BUDGET
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**ESTIMATED REVENUES**

405-325-205-000	SOLID WASTE ASSESSMENTS (1,260 units)	432,873	(8,965)	423,908
405-325-206-000	DISCOUNT FEES	(12,103)	(1,624)	(13,727)
405-343-120-000	SWA RECYCLING INCOME	8,000	(3,974)	4,026
405-361-100-000	INTEREST	-	7	7
405-363-990-000	CONTRIBUTION FROM GENERAL FUND	-	-	-
<b>Total Revenue</b>		<b>428,770</b>	<b>(14,556)</b>	<b>414,214</b>

**APPROPRIATIONS**

405-534-345-000	CONTRACTUAL-WASTE OVERSIGHT	7,010	16,603	23,613
405-534-346-000	PBC ADMINISTRATION FEE 1%	4,460	(718)	3,742
405-534-420-000	POSTAGE & FREIGHT	500	(500)	-
405-534-434-000	SOLID WASTE CONTRACTOR	415,800	(29,641)	386,159
405-534-436-000	OTHER SANITATION SERVICES	-	-	-
405-534-490-000	LEGAL ADVERTISING	1,000	(300)	700
405-534-595-000	TOLG MANAGEMENT FEES	-	-	-
<b>Total Expenditure</b>		<b>428,770</b>	<b>(14,556)</b>	<b>414,214</b>

**All Funds  
Fiscal Year 2013-14**

Fund #		FY13-14 ADOPTED BUDGET	FY13-14 CHANGE	FY13-14 AMENDED BUDGET
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**ESTIMATED REVENUES**

001	GENERAL FUND	1,496,853	(309,562)	1,187,291
101	TRANSPORTATION FUND	1,222,762	(824,194)	398,568
305	CAPITAL IMPROVEMENT FUND	2,202,564	590,642	590,642
405	SOLID WASTE FUND	428,770	(14,556)	414,214
	<b>Total Estimated Revenue</b>	<b>5,350,949</b>	<b>(557,670)</b>	<b>2,590,715</b>

**APPROPRIATIONS**

001	GENERAL FUND	1,496,853	(309,562)	1,187,291
101	TRANSPORTATION FUND	1,222,762	(1,014,836)	398,568
305	CAPITAL IMPROVEMENT FUND	2,202,564	590,642	590,642
405	SOLID WASTE FUND	428,770	(14,556)	414,214
	<b>Total Appropriations</b>	<b>5,350,949</b>	<b>(748,312)</b>	<b>2,590,715</b>



**Item 8.a.**

**Managers' Report**

**Agenda Item Report (AIR)**

# Town of Loxahatchee Groves, FLORIDA Town Council AGENDA ITEM REPORT

## AGENDA ITEM NO.8.a.

MEETING DATE: 11/18/2014

**PREPARED BY:** William F. Underwood, II

**SUBJECT:** Manager Update

### 1.BACKGROUND/HISTORY

**Problem Statement:** The Town Council requests updates on activities and issues.

**Problem Solution:** Provide the Council with an update.

At the Council meeting of October 7, 2014, it was noted that items in this category be provided as part of a written report.

### 2.CURRENT ACTIVITY

- **Trails:** Staff will issue the notice to proceed in the near future for Project No: 13-1020; Project Title: 6th Court North Equestrian Trail Improvements.
  - Town Council approved the quote from the WBI base bid of \$23,600.
  - LGWCD **must provide** the Town an easement that would provide the Town site control before construction begins for equestrian trails..
- **Road Clearance:** Staff authorized work on Project Title: Hedging 161st Terrace North, 22nd Road North, Gruber Lane to C & C Loader Services in the amount of \$6,200.
  - Work is **complete**.
- **Trails:** At the IGC meeting of November 7<sup>th</sup>, the IGC discussed the proposed ILA for the Horse Trails, wherein Supervisor Ryan and Chair DeMarois agreed with the concept the horse trail easements and maintenance easements be under recorded under a dual basis.
  - ILA approved by the LGWCD on November 10<sup>th</sup> did not incorporate dual easement and equitable responsibility that was contained in the draft ILA prepared by Town Attorney and Staff and provided to District previously.
  - On November 13<sup>th</sup>, Staff resubmitted to the District the ILA draft prepared by the Town for reconsideration.
- **LGWCD:** At the IGC meeting of November 7<sup>th</sup>, the new business item proffered by Councilman Jarriel to begin discussions on making the LGWCD a dependent entity of the Town of Loxahatchee Groves was recommended for removal by Councilman Jarriel from the agenda.
- **Roads:** At the IGC meeting of November 7<sup>th</sup>, the committee reviewed a policy developed for the LGWCD to dispose of fill extracted by dredging canals. In essence

the fill will have priority use by the LGWCD, the Town, and then priority bid local residents followed by non-local entities, and finally, provided to local residents as is, and where is.

- **Building:** Staff and Town Attorney have discussed the matter with Vinceremos Therapeutic Riding Center staff and provided specific assistance in their efforts to include additional facilities on their property. Presently, no additional assistance is required.
- **Building:** Update to work related to the Chamber of Commerce building is included in the November 18, 2014 agenda.
- **Roads:** Negotiations continue for B Road improvements which will go from Southern Boulevard to Okeechobee Boulevard. Staff is working toward holding the second hearing on an ordinance in November to provide appropriate zoning classification to the involved parcels. This item is tentatively moving forward for the December 2, 2014 Council Meeting.
- **Police Services:** Report submitted by David Combs, Lieutenant, PBC Sheriff

### **3.ATTACHMENTS**

Palm Beach County Sheriff Reports

### **4.FINANCIAL IMPACT**

Not applicable.

### **5.RECOMMENDED ACTION**

Motion to receive and file report.



**Item 8.b.**

**Managers' Report**

**PBSO Report – October 2014**

# **Town of Loxahatchee Groves, FLORIDA Town Council AGENDA ITEM REPORT**

## **AGENDA ITEM NO.8.b.**

MEETING DATE: 11/18/2014

**PREPARED BY:** William F. Underwood, III Budget Analyst

**SUBJECT:** Palm Beach County Sheriff's report

### **1.BACKGROUND/HISTORY**

**Problem Statement:** Maintain awareness of Palm Beach County Sheriff's major incidents within town limits

**Problem Solution:** Provide for monthly and annual reports regarding activity

At the Council meeting of October 7, 2014, it was noted that items in this category be provided as part of a written report.

### **2.CURRENT ACTIVITY**

- During the month, District 15 deputies handled (307) calls for service. 39% of calls for service were self-generated
- There was one (1) robbery and three (3) thefts reported last month.

### **3.ATTACHMENTS**

District 15 Loxahatchee Groves Monthly Report. Oct 2014

### **4.FINANCIAL IMPACT**

No new Fiscal Impact.

### **5.RECOMMENDED ACTION**

No Action Required, report is simply informational.



## District 15 Loxahatchee Groves

### Monthly Report: October, 2014

<b>Calls for Service (self-generated)</b>	<b>Monthly</b>
Business/Residence Checks	74
Traffic Stops	47
<b>Total</b>	<b>121</b>

**Summary:** During the month, D15 deputies handled (307) calls for service. 39% of calls for service were self-generated.

<b>Part I Crimes Case #'s</b>	<b>Monthly</b>
Murder	0
Sexual Assault	0
Robbery	1
Aggravated Assault	0
Burglary	0
Theft	3
Motor Vehicle Theft	0
Arson	0
<b>Total</b>	<b>4</b>

**Summary:** There was one (1) robbery and three (3) thefts reported last month. The robbery case is 14-132695 10/18/14 @ 5:42a.m. 14555 Southern Blvd., Robbery, Unknown B/M suspect; the victim was in "Boonies" playing pool. He displayed a \$100 bill. The suspect forcibly took the money. The victim, however, signed a refusal to prosecute form. This case was exceptionally cleared.



**Item 9.a.**

**OLD BUSINESS**

**Consideration of Acquisition of Central Palm Beach County  
Chamber of Commerce Building**

# Town of Loxahatchee Groves, FLORIDA Town Council AGENDA ITEM REPORT

## AGENDA ITEM NO.9.a.

MEETING DATE: 11/18/2014

**PREPARED BY:** William F. Underwood, III Budget Analyst

**SUBJECT:** Acquisition of Palms West Chamber of Commerce

### 1.BACKGROUND/HISTORY

**Problem Statement:** Town Council requests a Cost Benefit Analysis and other tasks to be performed regarding potential acquisition.

**Problem Solution:** At the Town Council meeting on September 2, 2014, the Council instructed that staff have two appraisals performed and an inspection of the building to assure compliance with applicable building codes.

### 2.CURRENT ACTIVITY

- **Data Collection:** Staff has received Chamber building expenses from Wayne Burns, Chamber Executive Director.
  - Of the expenses provided, Staff used four new expenses in this analysis
    - Water
    - Electric
    - Landscaping
    - Safety/Fire inspections
  - All expenses have been itemized, for a projected 30-year term at a 5% rate of inflation which was used to determine the cost effectiveness of an outright purchase to a straight lease option, at the current Town office location.
- **Appraisals**
  - Effective October 21, 2014, Craig Butterfield, State Certified General Real Estate Appraiser #RZ1063, established a building value of \$445,000 as shown on page iii of the attached report.
  - Effective October 1, 2014, Pedro Gomez of Commercial Appraisals & Consulting, Inc. established a building value of \$518,824 as can be seen on page 4 of the attached report.
- **Building Inspection**
  - Inspection completed by Tew & Taylor.

### 3. ATTACHMENTS

- Real Estate Appraisal of a Commercial Building... by Craig Butterfield #RZ1063
- A Restricted Use Appraisal Report...by Pedro Gomez #RZ0130
- Cost Budget Analysis
- Town of Loxahatchee Groves Monthly Expenditure
- Central Palm Beach Chamber of Commerce Monthly Expenditure
- Comcast Monthly Receipt of payment
- Building Inspection Report ... Tew & Taylor

### 4. FINANCIAL IMPACT

Three scenarios are provided in this analysis.

Option 1) Cost of Lease option at current location over 30 years with 5% inflation rate and a discounted rate of 2%.

Option 2) Cost of Purchase option over 30 years with a 5 % inflation rate and a discounted rate of 2%.

Option 3) Cost of the Lease option at current location for next 30 years if no inflation occurs and no discounted rate.

- The Cost Budget Analysis reads.
  - Column “Year” refers to what year we are accounting for in this 30 year projection.
  - Column “5% CIP” refers to 5% inflation applied to each year’s prior projected expense
  - Column “Cost P/M” refers to the cost of each month during that particular year
  - Column “P/Y” refers to the price accumulation by the completion of a Year
  - Column “Purchasing” refers to cost of the Palms West Chamber Building projected for next 30 years
  - Column “P/M 0%” refers to cost of lease per month if absolutely no changes in the rental cost or inflation for utilities occurs over the next 30 years
  - Column “Cost of rent P/Y” refers to cost of lease per year if absolutely no changes in the rental cost or inflation for utilities occurs over the next 30 years
    - Total at the bottom reflects the cost of entire program after 30 years
    - NPV breaks all the costs down to the present day value of all the identified expenses.
- For itemized expenditures, per each option please see attachment. Please be advised, although Internet and telephone are included on the Purchase option, they are not included in the Lease option and have been added into the cost of the Lease.
  - Please See attached Comcast bill
- In case the Yee Corporation decides not to raise our rent for the next 30 years, please see side Analysis with regards to effect the Comparison if 0% inflation were to occur.  
The Gross cost and Net Present Value of the options are:

Cost Of Option over next 30 years	Gross Cost	NPV
Option 1-Lease at current location w/ inflation	\$1,619,031.87	\$1,141,176.09
Option 2-Purchase of Chamber Bldg	\$582,211.55	\$543,281.21
Option 3-Lease at current location w/o inflation	\$753,367.80	\$753,367.80

- Using the NPV calculation, the town could save approximately \$597,894.88 over the next 30 years comparing Option 1 to Option 2, and \$171,156.25 comparing Option 2 to Option 3.

**5. RECOMMENDED ACTION**

- The Analysis reflects that an outright purchase of the Chamber building, Option 2, is the most cost effective solution. Staff is recommending the Town Council only consider the outright purchase option for the Palms West Chamber.
  - Motion: Receive and File Report



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Butterfield Appraisals*

**COST APPROACH TO VALUE**

The Cost Approach is the process where the value of improved property is estimated on the basis of the cost to replace the structures, less applicable depreciation.

The appraiser must first estimate the cost to replace the structure. All components of the structure are taken into account. Then the appraiser must estimate depreciation from all sources, including physical deterioration (curable and incurable), structural obsolescence (curable and incurable) and economic obsolescence. The sum of the depreciated value is the indicated value of the property via the Cost Approach for improvements.

The following summary outlines the above process:

REPLACEMENT COST OF ALL IMPROVEMENTS

LESS DEPRECIATION

PHYSICAL (CURABLE & INCURABLE)  
FUNCTIONAL OBSOLESCENCE (CURABLE  
& INCURABLE)  
ECONOMIC OBSOLESCENCE

EQUALS DEPRECIATED VALUE OF IMPROVEMENTS

PLUS SITE IMPORVEMENTS  
PLUS LAND VALUE

RESULTS IN: INDICATED VALUE BY COST APPROACH

One or more of the approaches may not be applicable to a specific assignment or may be less significant due to the nature of the property, the decisions of the client, or the data available. We have given careful consideration to the Cost Approach and its applicability to the subject property's improvements. Based on the Scope of the Appraisal it has been determined that the Cost approach to Value is the most applicable approach for this assignment

Therefore, after consideration the appraisal assignment to derive an Opinion of Value based on the current depreciated estimate of the improvements either as a Fee Simple, Improvements Only or as a Leasehold Interest, we have chosen not to rely upon the value estimate derived from the **Market Approach** and the **Income Approach** in this analysis.

To complete the valuation process, the appraisers integrate the information drawn from replacement costs derived from Marshall & Swift construction data service to derive a valuation conclusion. The value indications rendered by this approach will provide a depreciated value for the improvements only that must be reconciled into a final value indication considering the appropriateness of the approach and the reliability of the data utilized to formulate the approach.

Again the reader is reminded that land value is not inclusive within this report, the Cost Approach value conclusion, nor the Final Conclusion of Value as contained within this appraisal. However the estimated Opinion of Value is subject to the securing, subdivision, creation of a new tax folio number either by purchase or lease (minimum 30 years) from Palm Beach County to accommodate and support the existing improvements valued herein that are in compliance with the current use, utility and local zoning codes and requirements.



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**MARSHALL & SWIFT NEW CONSTRUCTION REPORT, BUILDING ONLY**

**Commercial Building Valuation Report**

Policy : 9153-Q2496	10/20/2014
<b>INSURED</b>	Town of Loxahatchee Groves
	14579 Southern Blvd
	Suite 2
	Loxahatchee Groves, FL 33470
	Effective Date: 10/01/2014
	Expiration Date:
	Cost as of: 06/2014

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**BUILDING** Chamber of Commerce  
13901 Southern Blvd  
Loxahatchee Groves, FL 33470

**Location Adjustments**

Climatic Region: 1 - Warm  
High Wind Region: 3 - Major Damage  
Seismic Zone: 0 - No Damage

**SECTION 1**

**SUPERSTRUCTURE**

Occupancy:	100% Office, Low-Rise, Interior Space	Story Height: 12 ft.
Construction Type:	100% Masonry Non-Combustible (ISO 4)	Number of Stories: 1
Gross Floor Area:	3,910 sq. ft.	Irregular Adjustment: None
Construction Quality:	2 - Average	

**Adjustments**

Hillside Construction:	Degree of Slope: Level	Site Accessibility: Excellent
	Site Position: Unknown	Soil Condition: Excellent

**Fees**

Architect Fees: 7% is included  
Profit and Overhead: 20% is included

**SUMMARY OF COSTS**

**Replacement**

<b>SUPERSTRUCTURE</b>	
Site Preparation	0
Foundations	
Foundation Walls, Interior Foundations, Slab On Ground	
Exterior	188,951
Framing, Exterior Wall, Structural Floor, Roof	
Interior	87,731
Floor Finish, Ceiling Finish, Partitions	
Mechanicals	122,242

MS/B costs include labor and material, normal profit and overhead as of date of report. Costs represent general estimates which are not to be considered a detailed quantity survey. These costs include generalities and assumptions that are common to the types of structures represented in the software.



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## Commercial Building Valuation Report

Policy : 9153-Q2496	10/20/2014
<b>INSURED</b>	Town of Loxahatchee Groves
	14579 Southern Blvd
	Suite 2
	Loxahatchee Groves, FL 33470
	Effective Date: 10/01/2014
	Expiration Date
	Cost as of: 06/2014

<b>BUILDING: SUPERSTRUCTURE</b>	Replacement	sq. ft.	\$/sq. ft.
Section 1: 100% Office, Low-Rise, Interior Space	\$430,429	3,910	\$110.08

<b>BUILDING: SUBSTRUCTURE</b>	Replacement	sq. ft.	\$/sq. ft.
SECTION 1:	\$0	0	\$0.00

<b>Section Totals</b>	Replacement	sq. ft.	\$/sq. ft.
SECTION 1: 100% Office, Low-Rise, Interior Space	\$430,429	3,910	\$110.08

<b>BUILDING TOTAL, Chamber of Commerce</b>	<b>\$430,429</b>	<b>3,910</b>	<b>\$110.08</b>
<b>BUILDING INSURANCE SUMMARY</b>			
97% Co-insurance Requirement	\$417,516		
<b>VALUATION GRAND TOTAL</b>	<b>\$430,429</b>	<b>3,910</b>	<b>\$110.08</b>

MS/B costs include labor and material, normal profit and overhead as of date of report. Costs represent general estimates which are not to be considered a detailed quantity survey. These costs include generalities and assumptions that are common to the types of structures represented in the software.



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**COST APPROACH VALUATION**

New Cost to build current building, 3,910 SF based on M & S Report	\$430,429
10% Entrepreneurial Profit	<u>\$ 43,043</u>
Total Cost to Build	\$473,472
Calculated Dep. Age (4 yrs.) / 60 Yr. Economic Life = 6% - (\$473,472 x 6% =)	<u>(\$ 28,408)</u>
Total, Estimated Current Depreciated Building Value	\$445,064

Site Improvements Estimate Costs	
Water & Sewer Taps (with connection to building)	\$ 50,000
Electrical to building	\$ 20,000
Paving @ \$2.50 PSF (17,948 SF @ \$2.50/SF)	\$ 44,870
Sidewalks @ \$4.00 PSF (3,392 SF @ \$4.00/SF)	\$ 13,568
Land Scape and Misc. Fencing	<u>\$ 10,000</u>
Sub Total	\$138,438
Soft Cost (Architects, Engineers ect.) @ 7% of Sub Total	<u>\$ 9,691</u>
Sub Total	\$148,129
10% Entrepreneurial Profit	<u>\$ 14,813</u>
Sub Total	\$162,942
Calculated Dep. Age (4 yrs.) /25 Yr. Econ Life = 16%	<u>\$ (26,071)</u>
Total Depreciated Value of Site Improvements	\$136,571

**ESTIMATED VALUE IS AS FEE SIMPLE (land is purchased or donated)**

Total, Estimated Current Depreciated Building Value	\$445,064
Total Depreciated Value of Site Improvements	<u>\$136,571</u>
Estimated Opinion of Value, Fee Simple, (Land not Included)	\$581,635 (Say \$580,000)

**FIVE HUNDRED EIGHTY THOUSAND (\$580,000) DOLLARS**

**ESTIMATED VALUE IS AS LEASEHOLD INTEREST (land is leased)**

Total, Estimated Current Depreciated Building Value (land nor site improvements included) \$445,064 (Say \$445,000)

**FOUR HUNDRED FORTY FIVE THOUSAND (\$445,000) DOLLARS**



## **DIRECT SALES COMPARISON APPROACH TO VALUE**

The Direct Sales Comparison, or Market Approach is the most commonly known and employed method of valuing Real Estate. The essence on this approach is based upon the principle of substitution i.e. that a prudent purchaser will pay a price for a particular piece of property, which is commensurate with the prices currently being paid for similar properties in similar locations. Thus, the appraiser assembles sales and offerings of properties containing generally similar uses, amenities and aesthetic features as are possessed by the subject property.

Analysis of the real estate market realizes that there are no two properties exactly alike. An adjustment process therefore is required to compensate for differences between comparable data employed by the appraiser and the subject property under analysis. Adjusting for tangible differences between two properties, the cost to reproduce the various items is used as a guide in making adjustments. Market experience also demonstrates that purchasers tend to pay less for purely cosmetic features that contribute little to the utility of property. The price paid for such peripheral improvements is usually less than the cost of reproduction therefore; the judgment of the analyst should reflect the reaction of typical prudent purchasers.

Other factors, besides structural detail, which bear upon the value of property, include the time of sale, zoning, terms and the circumstances of the sale and location.

The appraiser analyzes the market data employed in relation to the subject property, and in so doing takes into account all items which contribute to or detract from value.

The Market Comparison Approach is a technique of finding sales of similar properties and carefully analyzing and comparing them by virtue of their differences and major similarities into an indication of value for the appraised property.

The comparable properties were observed for their possibility of similar functional potential utility. Size, area, age and condition of improvements were also analyzed and considered.

Comparable sales chosen were similarly located, similar use/purpose properties all located within the subject's competitive market area.

The validity of this approach is dependent upon the availability, quantity, relevancy and quality of the data. Procedurally, the steps in the Direct Sales Comparison Approach are as follows:

1. Research of the market to obtain information about transactions, listings and other offerings of properties similar to the subject.
2. Verify the information by considering whether the data obtained is factually accurate and the transactions reflect arms-length market considerations.
3. Determine relevant units of comparison e.g., price per unit or multiplier, and develop a comparative analysis for each unit. The unit of comparison utilized in this analysis is the price per square foot of improvements to the land area.
4. Compare the subject and the comparable sales according to the elements of comparison and adjust the sales price of each comparable as appropriate or eliminate the property from consideration.
5. Reconcile the value indications that result from the comparable sales into a single value indication.

In the case of the subject property the Direct Market Sales Approach was not applicable based on the Scope of the Appraisal, therefore as the Direct Market Sales Comparison Approach was considered however not used to derive data for the Opinion of Value for this report.



## **INCOME APPROACH TO VALUE**

The Income Approach to Value deals with the present worth of future benefits. This is measured by the net income which a fully informed purchaser is warranted in assuming the property will produce during its remaining useful life. After comparison with investments of similar types and class, this net income is capitalized into a value estimate. Several analyses are necessary before a value estimate may be projected. Of prime importance is a careful scrutiny of the potential income stream. The appraiser must concern himself with three significant factors that pertain to the subject's income. These are the quantity, quality and durability of the income.

In the first instance, it must be determined whether the actual rent is proper or is similar space currently being rented for a higher or lower amount. The prudent purchaser certainly would be dubious of a high rent, which had no justification and in the same light he would be apprehensive of a rent well below that received for comparable properties. This comparison will lead the appraiser to a final conclusion, which enables him to ascribe a proper economic rent to the property under appraisal.

The quality of the subject's income stream is the second major item of concern to the typical purchaser. The more reliable and solvent the tenant, the less the risk involved. This factor has a direct relationship to the rate of return which the investor requires.

The third element, durability, requires that the appraiser analyze the terms of tenancy involved. He must determine how secure the income is. Is it of a short-term nature, or is it secured by a long-term lease? He must arrive at whether the income shall retain the characteristics of an annuity or will it decline as the property and area decline.

Once a proper economic rent is ascribed to the property under appraisal, careful weight must be given to the normal expenses incurred by the owners of similar properties. This requires an extensive market analysis and the execution of sound judgment on the part of the appraiser. Subtracting proper expense items from the Gross Income estimate results in a Net Income which the property can be expected to produce.

This net income may then be capitalized into a value estimate by applying a capitalization rate, which expresses the normal return requirements of the typical prudent buyer. This rate or factor is directly related to the quality and durability of the income stream.

Briefly, it varies up or down based on the tenant's responsibility and the length of time during which the income flow is considered reasonably certain. The above analytical process has been applied to the subject property with the following resulting market comparisons, analyses and conclusion.

The Dictionary of Real Estate Appraisal, published by the Appraisal Institute, fifth edition defines the income approach as follows: "A set of procedures through which an appraiser derives a value indication for an income-producing property by converting its anticipated benefits (cash flows and reversion) into a property value. This conversion can be accomplished in two ways.



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## **INCOME APPROACH TO VALUE (Continued)**

One year's income expectancy can be capitalized at market-derived capitalization rate or at a capitalization rate which reflects a specified income pattern, return on investment and change in the value of the investment. Alternatively, the annual cash flows for the holding period can be discounted at a specified yield rate.

The subject, at present is designed for multiple tenants' occupancy, as of the date of valuation. The property is presently partially occupied. The value estimate is based on the capitalization of a stabilized Net Operating Income as estimated for the improvements.

The approach in each section is comprised of four steps:

1. Estimate the gross potential income that can be expected based on market rent levels.
2. Estimate the vacancy and expense deduction that can be expected.
3. Derive a stabilized net operating income estimate.
4. Capitalize the net operating income into a value indication.

The final estimates of income and expenses represent stabilized estimates that are based on mature or stabilized operations of the subject over reasonable periods of anticipated ownership. Stabilized income and expense figures are used for the following reasons:

- The property is expected to have experienced management, whereby earnings will be stabilized.
- A short-term projection of income tends to be more accurate, due to the greater degree of uncertainty typically involved with longer-term projections.
- Projection of income over a short term will produce the same total value as a longer term projection, regardless of capitalization technique, provided the assumptions involve the same income stream, the same rate of change in property value and the same rate of interest. Stated differently, any loss in value due to the shorter income stream will be offset by a gain in the present value of the reversion.
- Under normal circumstances, net cash flow fluctuates, irregularly, up and down, from year to year. A reasonable reliable (stabilized) net income over a short projection period can be termed as a level annuity. To stabilize income, when the projection is presumed to cover the total useful life of a structure, is virtually impossible.

Two methods of capitalization are available to the appraiser in the analysis of income producing property; direct and yield capitalization.

Direct capitalization is used to convert an estimate of a single year's income expectancy into an indication of value in one direct step.

Yield capitalization, on the other hand, uses the discounting procedure to convert specified annual income and future reversionary benefits to a present value on the premise of a required rate of return.

Direct capitalization assumes no allocation between the return on and of capital invested. The income approach, along with supporting documentation, is developed and explained on the following pages.

In the case of the subject property the Income Approach was not applicable based on the Scope of the Appraisal, therefore as the Income Approach was considered however not used to derive data for the Opinion of Value for this report.



## **VACANCY AND COLLECTION LOSS**

This expense is due to bad debts, tenant turnover and etc. In general well-managed properties with good locational attributes that are adequately maintained may have nominal turnover. Through our market research of the area, and conversations with leasing agents/realtor, and on site property managers, it would appear that a 5% vacancy rate would be reasonable on a property of this nature.

## **OPERATING EXPENSES**

Operating expenses are the periodic expenditures, necessary to maintain the real property and continue the production of the effective gross income. Appraisers generally analyze expense expectancies on an annual basis and categorize expense items into the following categories:

1. **FIXED EXPENSES:** Are the operating expenses that generally do not vary with the levels of occupancy and have to be paid whether the property is occupied or vacant.
2. **VARIABLE EXPENSES:** Are all operating expenses that generally vary with the level of occupancy or intensity of a property's operation.
3. **REPLACEMENT ALLOWANCE/RESERVES:** Provides for the periodic replacement of building components that wear out more readily than the building itself and must be replaced periodically during the buildings economic life.

## **FIXED EXPENSES**

**REAL ESTATE TAXES:** Real Estate taxes are not passed through to the tenants and therefore are considered in estimating the income stream.

**INSURANCE:** Insurance expenses are not passed through the tenants and are figured into the net income stream.

## **VARIABLE EXPENSES:**

### **PROPERTY MANAGEMENT**

Variable expenses accorded to the ownership of similar usage properties include time allocated to management, bookkeeping expense, and advertising. In checking with other property managers, we reported the range to be between 4 to 6% we have selected 5% of effective gross income after vacancy and collection as a deduction for property management.

### **REPAIRS AND MAINTENANCE**

In this category we have grouped the individual line items of "allocated repairs and maintenance, pest control, and yard/parking lot care". Items such as structural painting and re-roofing do not occur on an annual basis. Therefore while single year expenses may be significant, these are correlated to an average. Maintenance and repair programs according to professional property managers run approximately 2.0%, per square foot of building area depending on the property age and lease terms.

### **REPLACEMENT RESERVES**

This expense item would include money set aside for the periodic replacement of short lived building components to include mechanical systems, roofs and the like. It should be noted that reserves are not typically or always set aside in a separate account, and this line item is often recognized in the adjustment of the overall terminal capitalization rate upon resale. This runs at about 2.0% of the effective gross income.



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**LEGAL AND ACCOUNTING**

We have also estimate an amount for legal fees, licenses and accounting expenses equivalent to about 2.0% of the effective gross income.

**PARAMETERS OF VALUE CONCLUSION**

An appraisal of real estate is an opinion of value certified by an individual representing himself to be an expert.

Due to the many influences that affect supply and demand and the imperfections that exist in the market, the appraisal of real estate remains an inexact science.

The appraiser’s client must recognize that at any given moment in time before or after the effective date of value, the property value may be different from what the appraiser has estimated. Real estate investment has a high degree of risk and performance and success is dependent upon management, market liquidity, and all sorts of outside influences. Remember that if for any reason subsequent events (after the effective date) worldwide, national, regional, and local or neighborhood occur, the value of the property will change.

The developer, the lender, and subsequent property owners must each analyze and measure the risk as they see it, at any moment in time. The appraisal, therefore, is a judgment tool offering only a supported opinion of the present worth of anticipated benefits subject to the investment risks, measured mainly by such market data as are available at the effective date of appraisal.

The appraiser’s client must further recognize that the market data, which are present in this report, are past sales that took place in a market place where tax shelter rules may have been substantially different from future rules and those probable changes could render conclusions of a comparable sales study invalid.

In conclusion, however, while an appraisal cannot be guaranteed or absolutely proven, if the opinion of value, as expressed and demonstrated, is not influenced by sentiment, sympathy, bias, personal interest, or lack of understanding, and is, in fact, a sincere effort by a competent impartial valuator, then the conclusions so developed may properly be considered as a basis of negotiation between owner and prospective purchaser, or between lender and borrower or between condemner and condemned.

The Direct Sales Comparison and Income Approaches to value have been pursued. The detailed analysis of all the pertinent facts and data which were considered to influence the value of the subject property have led to following value estimates:

**COST APPROACH**

FEE SIMPLE (Land not included)	\$580,000
LEASEHOLD INTEREST (Land nor Site Improvements not included)	\$445,000

DIRECT SALES COMPARISON	Considered, but not applied
INCOME APPROACH	Considered, but not applied

**FINAL CONCLUSION OF VALUES**

<b>FEE SIMPLE (Land not included)</b>	<b>\$580,000</b>
<b>LEASEHOLD INTEREST (Land nor Site Improvements not included)</b>	<b>\$445,000</b>

# Commercial Building Valuation Report

10/05/2014

LOXAHATCHEE GROVES	Effective Date:	10/01/2014
13901 SOUTHER BLVD		
LOXAHATCHEE GROVES, FL 33470	Cost as of:	10/2014

**BUILDING**            13901 SOUTHERN BLVD  
 LOXAHATCHEE GROVES, FL 33470

**SECTION 1**

**SUPERSTRUCTURE**

Occupancy:	100% Office, Low-Rise	Story Height: 12 ft.
Construction Type:	100% Joisted Masonry (ISO 2)	Number of Stories: 1
Gross Floor Area:	3,974 sq. ft.	Irregular Adjustment: None
Construction Quality:	2 - Average	

**Adjustments**

Depreciation: 10%

**SUMMARY OF COSTS**

**Reconstruction**

**SUPERSTRUCTURE**

Site Preparation	859
Foundations	80,119
Foundation Walls, Interior Foundations, Slab On Ground	
Exterior	174,393
Framing, Exterior Wall, Structural Floor, Roof	
Interior	76,791
Floor Finish, Ceiling Finish, Partitions	
Mechanicals	165,865
Heating, Cooling, Fire Protection, Plumbing, Electrical	
Built-ins	36,384
Porch ,access ramp, exit stairs	42,060

**SUBSTRUCTURE**

<b>TOTAL COST NEW</b>	<b>\$576,471</b>
<b>TOTAL Depreciated Cost (90%)</b>	<b>\$518,824</b>
Plus Site improvements	\$ 65,000
<b>VALUATION GRAND TOTAL</b>	<b>\$583,824</b>

MS/B costs include labor and material, normal profit and overhead as of date of report. Costs represent general estimates which are not to be considered a detailed Quantity survey. These costs include generalities and assumptions that are common to the types of structures represented in the software.

SUMMARY OF SALIENT FACTS

LOCATION: 13901 SOUTHERN BLVD  
LOXHATACHEE GROVES, FL. 33470

DATE BUILT: 2009 (Estimated)

CONSTRUCTION TYPE: Pre fabricated concrete panels.

ROOF TYPE: Metal

ASSESSMENTS: N/A

TAXES: N/A

LAND ZONING: N/A

CURRENT MARKET VALUE  
OF SUBJECT BUILDING  
WITH PORCHES AND  
ACCESS RAMP ONLY: \$518,824.00

( TOTAL MARKET VALUE  
OF SUBJECT AND SITE IMPROVEMENTS  
(Including depreciated value of  
site improvements  
which service the building.  
parking, road access  
water & sewer connections ) \$583,824.00

### Cost Budget Analysis

Year	5% CIP	Cost P/M	Cost P/Y	Purchasing	Cost P/M 0%	Cost of rent P/Y
1		\$ 2,164.85	\$25,978.20	\$481,573.42	\$ 2,164.85	\$ 25,978.20
2	\$108.24	\$2,273.09	\$27,277.11	\$1,652.09	\$ 2,164.85	\$ 25,978.20
3	\$113.65	\$2,386.75	\$28,640.97	\$1,734.70	\$ 2,164.85	\$ 25,978.20
4	\$119.34	\$2,506.08	\$30,073.01	\$1,821.43	\$ 2,164.85	\$ 25,978.20
5	\$125.30	\$2,631.39	\$31,576.66	\$1,912.50	\$ 2,164.85	\$ 25,978.20
6	\$131.57	\$2,762.96	\$33,155.50	\$2,008.13	\$ 2,164.85	\$ 25,978.20
7	\$138.15	\$2,901.11	\$34,813.27	\$2,108.53	\$ 2,164.85	\$ 25,978.20
8	\$145.06	\$3,046.16	\$36,553.94	\$2,213.96	\$ 2,164.85	\$ 25,978.20
10	\$152.31	\$3,198.47	\$38,381.63	\$2,440.89	\$ 2,164.85	\$ 25,978.20
11	\$159.92	\$3,358.39	\$40,300.71	\$2,562.94	\$ 2,164.85	\$ 25,978.20
12	\$167.92	\$3,526.31	\$42,315.75	\$2,691.08	\$ 2,164.85	\$ 25,978.20
13	\$176.32	\$3,702.63	\$44,431.54	\$2,825.64	\$ 2,164.85	\$ 25,978.20
14	\$185.13	\$3,887.76	\$46,653.11	\$2,966.92	\$ 2,164.85	\$ 25,978.20
15	\$194.39	\$4,082.15	\$48,985.77	\$3,115.26	\$ 2,164.85	\$ 25,978.20
16	\$204.11	\$4,286.25	\$51,435.06	\$3,271.03	\$ 2,164.85	\$ 25,978.20
17	\$214.31	\$4,500.57	\$54,006.81	\$3,434.58	\$ 2,164.85	\$ 25,978.20
18	\$225.03	\$4,725.60	\$56,707.15	\$3,606.31	\$ 2,164.85	\$ 25,978.20
19	\$236.28	\$4,961.88	\$59,542.51	\$3,786.62	\$ 2,164.85	\$ 25,978.20
20	\$248.09	\$5,209.97	\$62,519.64	\$3,975.95	\$ 2,164.85	\$ 25,978.20
21	\$260.50	\$5,470.47	\$65,645.62	\$4,174.75	\$ 2,164.85	\$ 25,978.20
22	\$273.52	\$5,743.99	\$68,927.90	\$4,383.49	\$ 2,164.85	\$ 25,978.20
23	\$287.20	\$6,031.19	\$72,374.29	\$4,602.66	\$ 2,164.85	\$ 25,978.20
24	\$301.56	\$6,332.75	\$75,993.01	\$4,832.80	\$ 2,164.85	\$ 25,978.20
25	\$316.64	\$6,649.39	\$79,792.66	\$5,074.44	\$ 2,164.85	\$ 25,978.20
26	\$332.47	\$6,981.86	\$83,782.29	\$5,328.16	\$ 2,164.85	\$ 25,978.20
27	\$349.09	\$7,330.95	\$87,971.41	\$5,594.57	\$ 2,164.85	\$ 25,978.20
28	\$366.55	\$7,697.50	\$92,369.98	\$5,874.29	\$ 2,164.85	\$ 25,978.20
29	\$384.87	\$8,082.37	\$96,988.48	\$6,168.01	\$ 2,164.85	\$ 25,978.20
30	\$404.12	\$8,486.49	\$101,837.90	\$6,476.41	\$ 2,164.85	\$ 25,978.20
Total			\$1,619,031.87	\$582,211.55		\$753,367.80
NPV			\$1,141,176.09	\$543,281.21		\$753,367.80



## Town of Loxahatchee Groves

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14579 Southern Boulevard, Suite 2 • Loxahatchee Groves, Florida 33470

### MONTHLY EXPENDITURES

- Office Rental.....\$ 1,425.00
- Office Cleaning.....\$ 200.00
- Storage Rental Unit.....\$ 149.00
- ADT Security.....\$ 58.00
- Chamber Meeting Rentals.....\$ 100.00
- Drinking Water.....\$ 30.00

Approximate costs...\$ 1,962.00.

## William (Bill) Underwood, II

---

**From:** Theresa Baudier <theresa@cpbchamber.com>  
**Sent:** Monday, October 20, 2014 3:46 PM  
**To:** William (Bill) Underwood, II  
**Cc:** Wayne Burns; Mary Lou Bedford  
**Subject:** Chamber Building Maintenance Costs

Hi Bill – Wayne requested that I forward this to you.

Type	Amount
Landscaping	\$65 /month
Cleaning	\$336/month
Safety/Fire Extinguishers	\$65/year Fire Equipment Inspection
Security	\$99/month
Heating/Air Conditioning	No contract; use as needed
Internet	\$220/month
Phone & Fax	\$148/month
Water Utilities	~\$100/month
Electric Utilities	~\$600/month
Land Lease	\$1/year

*Theresa Baudier*

**Bookkeeper**



**Central Palm Beach County Chamber of Commerce**  
**13901 Southern Blvd.**  
**PO Box 1062**  
**Loxahatchee Groves, FL 33470**  
**561-578-4812 Direct Line**  
**561-791-2069 Fax**  
**[theresa@cpbchamber.com](mailto:theresa@cpbchamber.com)**  
**[www.cpbchamber.com](http://www.cpbchamber.com)**

Wayne,  
Thank you for your presentation and I appreciate your work on this matter. We are moving forward with appraisals and looking for an inspection firm per the Town Council direction. After the meeting, I stated I would like some information that you may be able to copy and provide.

- Site plan
- PBC Land Lease agreement
- Building plan
- Permits issued
- Last 3 months of electric bills
- Last 3 months of water bills
- Contract for space rental or last 3 months of rental users
  - Name of group
  - Contact name
  - Rental fee
- Building maintenance, e.g. cleaning, minor repairs
  - Company name
  - Contact name
  - Cost/month
- Landscape maintenance
  - Company name
  - Contact name
  - Cost/month

I realize this is a lot to request, but I am trying to cover all the bases. I would also appreciate that spreadsheet you presented to the Council.

If you have any questions, please feel free to contact me.

Bill Underwood

561.793.2418

## Beverly G. Kuipers

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**From:** Wayne Burns <wayne@cpbchamber.com>  
**Sent:** Tuesday, September 30, 2014 1:50 PM  
**To:** William (Bill) Underwood, II  
**Cc:** Beverly G. Kuipers  
**Subject:** RE: Chamber Building

Bill,

Thank you for continuing to work through the details of this opportunity.

We will provide you with as much as possible based upon availability and confidentiality. Confidentiality is one key concern because real estate transactions are conducted in the Sunshine and aren't protected. Therefore please see my notes below.

- Site plan – We will provide an architectural diagram of the building used for County consideration and construction.
- PBC Land Lease agreement – We will provide you with the 2002 agreement a direct relevant quote from the revision in 2008.
- Building plan – This may be the same as what we provide for the site plan. You can let me know what else you need after reviewing the document I send to you.
- Permits issued – You might know as well or better than I would how to obtain this information, which I'm sure you could obtain as a matter of public record.
- Last 3 months of electric bills - OK
- Last 3 months of water bills - OK
- Contract for space rental or last 3 months of rental users – The majority are private non-government companies and organizations that are not in the Sunshine. We'd need their written authorization to release their names, which may cause significant delay. We'll work on this.
  - Name of group
  - Contact name
  - Rental fee
- Building maintenance, e.g. cleaning, minor repairs - We are currently providing our own internal cleaning. We have not had any minor repairs since I've been here and not aware of any previous. We don't have any type of building maintenance contract.
  - Company name
  - Contact name
  - Cost/month
- Landscape maintenance - We'd be happy to provide you the monthly billing amount but will need to check with the landscape company before giving their name or any other details.
  - Company name
  - Contact name
  - Cost/month

**From:** William (Bill) Underwood, II [<mailto:wunderwood@loxahatcheegrovesfl.gov>]  
**Sent:** Monday, September 29, 2014 8:36 PM  
**To:** Wayne Burns  
**Cc:** Beverly G. Kuipers  
**Subject:** Chamber Building



Account Number 01624 190505-01-6  
 Billing Date 10/07/14  
 Total Amount Due \$202.85  
 Auto Pay 10/24/14  
 Page 1 of 2

Contact us: @ www.business.comcast.com 800-391-3000

**TOWN OF LOXAHATCHEE GROVES MNGMNT O**

For service at:  
 14579 SOUTHERN BLVD STE 2  
 LOXAHATCHEE FL 33470-9226

**News from Comcast**

**\*\*AutoPay Notification\*\***

You are enrolled in the Comcast Auto Pay Program. If you have incurred charges or were issued credit against charges on your account between the Billing Date at the top of your statement and the Auto Pay date, those charges or credits may be applied against the amount due on your statement and change the amount due on the Auto Pay date. Details of any charges incurred or credits issued after the Billing Date will appear on your next statement.

Go paperless with Ecobill, sign up to view and pay your Comcast Business bill online at [business.comcast.com/myaccount](http://business.comcast.com/myaccount)

**Monthly Statement Summary**

Previous Balance	202.85
Payment - 09/23/14 - thank you	-202.85
New Charges - see below	202.85
<b>Total Amount Due</b>	<b>\$202.85</b>
Auto Pay	10/24/14

**New Charges Summary**

Comcast High-Speed Internet	159.95
Comcast Digital Voice®	42.90
<b>Total New Charges</b>	<b>\$202.85</b>

Thank you for being a valued Comcast customer!

000317 1/1



Detach and enclose this coupon with your payment. Please write your account number on your check or money order. Do not send cash.



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 POMPANO BEACH FL 33060-5250

AB 01 000317 36870 B 2 B

TOWN OF LOXAHATCHEE GROVES MNGMNT OFF.  
 14579 SOUTHERN BLVD STE 2  
 LOXAHATCHEE FL 33470-9226

Account Number 01624 190505-01-6  
 Auto Pay 10/24/14

**Total Amount Due \$202.85**

Amount Enclosed \$ \_\_\_\_\_

Make checks payable to Comcast

COMCAST  
 PO BOX 105184  
 ATLANTA GA 30348-5184

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