



TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL MEETING

AGENDA

TUESDAY, JUNE 21, 2016

Mayor David Browning (Seat 4)

Vice-Mayor Tom Goltzené (Seat 5)

Councilman Ronald D. Jarriel (Seat 1)

Councilman Ryan Liang (Seat 3)

Councilman Todd McLendon (Seat 2)



Town of Loxahatchee Groves
Town Council Meeting
Tuesday, June 21, 2016 - 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.)

Town Hall, 155 "F" Road
 Loxahatchee Groves, Florida 33470

Mayor David Browning (Seat 4) Vice Mayor Tom Goltzené (Seat 5) Councilman Ronald D. Jarriel (Seat 1) Councilman Ryan Liang (Seat 3) Councilman Todd McLendon (Seat 2)	Town Manager William F. Underwood, II Town Attorney Michael D. Cirullo, Jr. Town Clerk Virginia M. Walton
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PUBLIC NOTICE/AGENDA

1. OPENING

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

MOTION	SECOND	VOTE
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2. PUBLIC COMMENTS

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: May 17, 2016 Special Town Council Meeting
- b. Minutes: May 17, 2016 Regular Town Council Meeting
- c. Minutes: May 25, 2016 Special Town Council Meeting
- d. Minutes: May 26, 2016 Special Town Council Meeting – closed door
- e. Minutes: June 7, 2016 Special Town Council Meeting
- f. Minutes: June 9, 2016 Special Town Council Meeting – closed door

- g. April/May Invoices for Goren, Cherof, Doody & Ezrol, PA
 - 1. Land Research Management Invoice – Re: Big Dog as directed by Town Attorney
 - 2. Keshavrz & Associates Invoice – Re: Big Dog
- h. Code Enforcement Old Cold Case Files Closure
- i. RESOLUTION NO. 2016-47 (Referendum Ballot Language)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR QUESTIONS TO BE PLACED ON THE BALLOT FOR THE AUGUST 30, 2016 STATEWIDE PRIMARY ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

- j. RESOLUTION NO. 2016-39 (Accepting Right of Way Deeds – Equestrian Partners LLC and Palm Beach State College Parcels on B Road)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE RIGHT OF WAY DEEDS AS TO SPECIFIC PARCELS OF “B” ROAD AS DESCRIBED THEREIN FROM LOXAHATCHEE EQUESTRIAN PARTNERS, LLC AND FROM THE DISTRICT BOARD OF TRUSTEES OF PALM BEACH STATE COLLEGE, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- k. RESOLUTION NO. 2016-40 (Accepting Quit Claim Deed from LGWCD for a portion of South B Road)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE QUIT CLAIM DEED FROM THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT FOR A PORTION OF SOUTH “B” ROAD AS DESCRIBED HEREIN; PROVIDING AUTHORIZATION FOR THE RECORDING OF THE QUIT CLAIM DEED AND TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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4. **PRESENTATIONS – none scheduled**

5. **COMMITTEE REPORTS –**

- a. Finance Advisory and Audit Committee (FAAC) Report
Anita Kane, Chair (*FAAC Meeting on Monday, June 20, 2016*)

6. PUBLIC HEARINGS - ORDINANCES

- a. ORDINANCE NO. 2016-06 (First Reading - Moratorium)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL JANUARY 20, 2017, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR RESCUED ANIMAL CARE FACILITIES WITHIN THE CORPORATE BOUNDARIES OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- b. ORDINANCE NO. 2016-07 (First Reading – Okeechobee Amendments)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, IN ACCORDNANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO ADD OBJECTIVES 1.16 AND 1.17, INCLUDING SUPPORTIVE POLICIES, TO THE TEXT OF THE FUTURE LAND USE ELEMENT RELATING TO OKEECHOBEE BOULEVARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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7. MANAGER’S REPORT – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
- b. Palm Beach County Sheriff’s Office District 15 Monthly Report for May 2016
- c. Palm Beach County Fire-Rescue Monthly Report for May 2016

8. OLD BUSINESS

- a. RESOLUTION NO. 2016-32 (Appointment P&Z)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AND _____, AS ALTERNATE MEMBERS OF THE TOWN’S PLANNING AND ZONING BOARD TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- b. RESOLUTION NO. 2016-33 (Appointment FAAC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE A

TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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c. RESOLUTION NO. 2016-35 (Appointment ULDC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A REGULAR VOTING MEMBER, AND APPOINTING _____ AS AN ALTERNATE MEMBER OF THE TOWN'S ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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d. RESOLUTION NO. 2016-45 (Folsom Rd speed limit)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO REDUCE THE SPEED LIMIT ON FOLSOM ROAD FROM 40 MILES PER HOUR TO 30 MILES PER HOUR; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THIS RESOLUTION; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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e. RESOLUTION NO. 2016-46 (Okeechobee Blvd speed limit)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO REDUCE THE SPEED LIMIT ON OKEECHOBEE BOULEVARD FROM 45 MILES PER HOUR TO 30 MILES PER HOUR; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THIS RESOLUTION; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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f. RESOLUTION NO. 2016-48 (Investment Program)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN OF LOXAHATCHEE GROVES, FLORIDA TO JOIN WITH OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MUNICIPAL INVESTMENT TRUST FOR THE PURPOSE OF PURCHASING SHARES OF BENEFICIAL INTEREST IN THE TRUST; PROVIDING FOR FINDINGS; ADOPTING THE FLORIDA MUNICIPAL INVESTMENT TRUST AGREEMENT AND DECLARATION OF TRUST, AS AMENDED, REFERENCED HEREIN; DESIGNATING AND AUTHORIZING THE MAYOR AND TOWN MANAGER TO EXECUTE SUCH APPLICATIONS AND

OTHER DOCUMENTS AS ARE REQUIRED TO INVEST AND REINVEST SURPLUS FUNDS OF THE TOWN IN SHARES OF BENEFICIAL INTEREST OF THE TRUST'S INVESTMENT PORTFOLIOS; DIRECTING THE TOWN CLERK TO PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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9. NEW BUSINESS

- a. Approval of Methodology for Prioritization of Town Road Improvements and Cost Sharing Policy for Capital Improvement Projects

MOTION	SECOND	VOTE
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- b. RESOLUTION NO. 2016-41 (Publix Sign Variance) **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE PUBLIX SIGN VARIANCE, FOR THE LAND OWNED BY ATLANTIC LAND INVESTMENTS, CONSISTING OF 21.73 ACRES MORE OR LESS, AND LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- c. RESOLUTION NO. 2016-42 (Tractor Supply Sign Variance) **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE TRACTOR SUPPLY SIGN VARIANCE, FOR THE LAND OWNED BY ATLANTIC LAND INVESTMENTS, CONSISTING OF 21.73 ACRES MORE OR LESS, AND LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- d. RESOLUTION NO. 2016-44 (Site Plan Amendment for Palms West Plaza) **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING THE PALMS WEST PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY YEE'S CORPORATION AND RICK AND

CINDY MORROW, CONSISTING OF 7.96 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “D” ROAD LOXAHATCHEE GROVES, FL, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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10. COUNCIL REPORTS

- a. Council Member McLendon
 - 1. Discussion and Direction on Special Magistrate

- b. Council Member Jarriel
 - 1. Discussion and Direction on old Council Laptops
 - 2. Discussion and Direction on Cleaning of Ditches and Swales

11. CLOSING COMMENTS

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

13. ADJOURNMENT

The next regular Town Council Meeting is tentatively scheduled for July 19, 2016.

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.



Town of Loxahatchee Groves

Special Town Council Meeting

Tuesday, May 17, 2016, 6:00 p.m.

Town of Loxahatchee Groves Town Offices, 155 F Road
Loxahatchee Groves, Florida 33470

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

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING OF PUBLIC MEETING – Town of Loxahatchee Groves Office

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 6:01 p.m. Present were Mayor David Browning, Vice-Mayor Tom Goltzené, Councilmen Ronald D. Jarriel and Todd McLendon. Council Member Ryan Liang was absent. Also present was Virginia Walton, Town Clerk who opened and closed the meeting.

Town Attorney Mike Cirullo opened the proceedings at 6:01 p.m., read the instructions for the Special Town council Meeting, and called roll for the remainder of the attendees: Also present were Michael D. Cirullo, Town Attorney; Town Manager William F. Underwood, II, and Joyce Marks, Court Reporter.

2. PROFESSIONAL SERVICES GROUP, INC. vs. TOWN OF LOXAHATCHEE GROVES/ CASE NO. 50 2016CA003979XXXXMB

F. S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

The Town Council Mayor Shall Announce:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:

David Browning, Mayor
Tom Goltzené, Vice Mayor
Ron Jarriel, Council Member
Todd McLendon, Council Member
Michael D. Cirullo, Jr., Town Attorney

William F. Underwood, II, Town Manager
Court Reporter Joyce Marks

d.) The Special Town Council Meeting will adjourn and the persons listed above will enter into the Closed-Door Attorney/Client Session.

3. CONVENE ATTORNEY-CLIENT SESSION

4. RE-OPENING OF PUBLIC MEETING AND ANNOUNCEMENT OF TERMINATION OF ATTORNEY-CLIENT SESSION

- a.) Call to Order
- b.) Town Council Mayor to Announce the Termination of the Attorney/Client Session
- c.) Possible Direction from Town Council

The above announcements were made. Town Attorney Mike Cirullo closed the Attorney Client Session at 6:33 pm. A motion was made by Council Member McLendon and seconded by Council Member Jarriel to authorize the Town Attorney and Town Manager to proceed pursuant to the consensus reached during the closed door session. Motion passed 4 – 0.

5. ADJOURNMENT

Motion: Vice Mayor Goltzené made a motion to adjourn the Special Meeting. Council Member McLendon seconded the motion. Upon vote the motion passed 4 – 0. Meeting was adjourned at 6:34 pm.

Virginia M. Walton, Town Clerk

David Browning, Mayor



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, May 17, 2016 at 7:00 p.m.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Tom Goltzené and Council Members Ronald Jarriel and Todd McLendon. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton. Council Member Ryan Liang was absent.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of the Agenda

Item #9a was added for discussion of Big Dog Ranch. The minutes for the April 19, 2016 Regular Town Council Meeting was pulled for a correction and item 3d Resolution No. 2016-38 was pulled for discussion.

Motion: a motion to approve the agenda, as revised, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

2. PUBLIC COMMENTS

Mark Jackson, 8th Place North, stated his road was private even though the Town kept saying it was public. His attorney had been requesting documents, but has received nothing. His gate has been moved twice. This is a private complaint between neighbors.

Karen Piesley, D Road, stated that the Big Dog site was not what they agreed to and originally presented. There are not to be dogs there until a Certificate of Occupancy is issued; but they have turned construction trailers into clinics. They are breaking the rules and the law. They are not good neighbors to us. This is wrong. They are saying this is a hardship on them, but they created the problem.

Dennis Lipps, stated he was Chair of the P&Z Board. When they came before the Board to discuss the property, along with the proposed land use and zoning, they had some sort of agreement with the Attorney to keep the horse business going. They had until the end of the equestrian season to get everything going. Because of code issues, things have come to a stop. The Town needs to see that this is handled properly. Big Dog is just as bad.

Marge Herzog announced she had been instrumental in winning a grant for a passive park, and also street banners for A,B,C,D,E & F Roads.

Dr. Omar asked for the status on his road, 8th Place North. A clarification if it was private or public. Manager Underwood responded that the road was public. There were aerials showing the road. His road was not on this set of maintenance maps, but would be on another. The Town had moved the gate and fence twice since it kept being replaced.

Betty Argue, President of Loxahatchee Groves Elementary PTO, thanked the Town for their donation and reminded them the Carnival was this Saturday.

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: April 19, 2016 Special Town Council Meeting
April 19, 2016 Regular Town Council Meeting (**pulled for discussion**)
- b. RESOLUTION NO. 2016-36 (ILA Surtax)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF DISTRIBUTION OF PROCEEDS FROM A ONE-CENT SURTAX FOR INFRASTRUCTURE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

- c. RESOLUTION NO. 2016-37 (Change Orders)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING CHANGE ORDER NO. 1 FOR “C” ROAD/GRUBER LANE, IN THE AMOUNT OF \$1,625.00; AND APPROVING CHANGE ORDER NO. 2 FOR “D” ROAD/TRIPP ROAD, IN THE AMOUNT OF \$1,650.00, FOR THE DRAINAGE IMPROVEMENTS CONTRACT AWARDED TO WBI CONTRACTING OF PALM BEACH INC. UNDER BID NO. 2016-003, AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to approve the consent agenda, as revised, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

This item was pulled from consent agenda for discussion

- d. RESOLUTION NO. 2016-38 (maintenance maps)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE ROADWAY MAP FOR THE FOLLOWING ROADS REGULARLY MAINTAINED OR REPAIRED FOR AT LEAST THE IMMEDIATE PAST SEVEN (7) YEARS BY THE TOWN OF LOXAHATCHEE

GROVES: 11TH TERRACE (BLOCK C), 12TH PLACE NORTH (BLOCK E), 14TH PLACE NORTH (BLOCK E), 17TH ROAD NORTH (BLOCK B), 21ST ROAD NORTH (BLOCK C), 22ND COURT NORTH (BLOCK F), 22ND ROAD NORTH (BLOCK C), 22ND ROAD NORTH (BLOCK E), 22ND ROAD NORTH (BLOCK F), 23RD COURT NORTH (BLOCK E), 24TH CIRCLE NORTH (BLOCK C), 24TH COURT NORTH (BLOCK C), 24TH COURT NORTH (BLOCK D), 24TH COURT NORTH (BLOCK E, EAST OF E ROAD), 24TH COURT NORTH (BLOCK E, WEST OF F ROAD), 24TH COURT NORTH (BLOCK F), BIDDIX ROAD (BLOCK D), BRYAN ROAD (BLOCK F), BUNNY LANE (BLOCK C), (WILSON) CASEY ROAD (BLOCK F), COMPTON ROAD (BLOCK F), EAST CITRUS DRIVE (BLOCK K), EDITH ROAD (BLOCK E), FARLEY ROAD (BLOCK E), FLAMINGO DRIVE (BLOCK C), FOREST LANE (BLOCK B), FOX TRAIL (BLOCK E), GRUBER LANE, (BLOCK C), HYDE PARK ROAD (BLOCK E), KAZEE ROAD (BLOCK G), KERRY LANE (BLOCK E), LOS ANGELES DRIVE (BLOCK B), MARCELLA BOULEVARD (BLOCK F), MARCH CIRCLE (BLOCK F), MORROW COURT (BLOCK B), PARADISE TRAIL (BLOCK C), RACKLEY ROAD (BLOCK F), RAYMOND DRIVE (BLOCK F), ROBERTS WAY (BLOCK B), SAN DIEGO DRIVE (BLOCK B), SCOTTS PLACE (BLOCK B), TEMPLE DRIVE (BLOCK I), TIMBERLANE PLACE (BLOCK B), WILLIAMS DRIVE (BLOCK B); AUTHORIZING THE MAYOR AND TOWN CLERK TO CERTIFY THE ROADWAY MAPS ACCEPTED HEREBY; AUTHORIZING THE FILING OF THE ROADWAY MAPS IN THE OFFICE OF THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Joannie DeWitt Hopkins, 23rd Court North, stated she had never received any letter about making her road public and she disagreed. She spoke to some of her neighbors today and most of them told her they were not aware of this either. She stated the road had only been maintained in the past year and a half. She wanted more information on this and submitted letters from her neighbors stating they road had not been maintained until the past year and a half. Council advised Ms. DeWitt Hopkins that the road would have to stay on for this year.

Motion: a motion to receive and file the seven letters was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Town Attorney Cirullo stated the Town had been filing the road maps since 2008, and had paid for maintenance through contractors or the Water Control District during that time period. If the residents wanted their road private, the Town would need to vote to vacate the road. Once the maps were filed and recorded, it was no longer just a matter of taking them off a list. There was a formal process for vacating a road.

Bill Louda, E Road, stated a long time ago if you got postal service and garbage pick-up, then you were a public road. If the residents want their road private, they would have to move their mailboxes together to the end of the road.

Dr. Omar, 8th Place North, stated if his road was showing as public, then he needed action on the gate blocking his access. Town Attorney Cirullo added that Mr. Jackson's Attorney had been send some of the records and advised that other records might be in storage, which would require time to sort through.

Charles Hannong, 23rd Court N., wanted to know how many property owners on a street were need to make it private. Town Attorney Cirullo responded everyone on the street would have to agree and make a request to vacate the road.

Mayor Browning added that the Town had an agreement with the Water Control District, with a list of roads. The Town received and paid invoices for maintenance of those roads.

Mark Jackson added that no one had maintained his road until this year. Mayor Browning responded that was in conflict with what the Water Control District says.

Virginia Standish, North Road, stated the live streaming of the meetings was appreciated but the Council needed to stop telling people that a road has to be public in order to get mail delivery and garbage pick-up. There are private roads that get both. Mayor Browning responded that our waste carrier had said no for private roads. Council Member McLendon added that Breakers West was all private but got mail and garbage.

Katie Lakeman, 25th Place N., wanted to know how half her road was private and half public. Her neighbor had put a fence in the middle of the road.

Keith Harris, C Road, responded to Ms. Lakeman that the owner of all the southwest property asked to be taken off the gas tax map and made private. The first 600 feet of the road remains public.

Vice Mayor Goltzené added that if the road was public on both sides of a canal, then the culverts would be public too.

Motion: a motion to accept the roadway maintenance maps was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 4 – 0.

[This item was pulled from consent agenda for discussion](#)

3a. Minutes: April 19, 2016 Regular Town Council Meeting

Council Member McLendon stated on page 15 of 151, the motion to approve the code enforcement amendment to the Management Services Agreement was originally set forth limited to commercial properties and complaint based violations based only on health and safety. The motion was never amended to include garbage dumps and noise. The Town Clerk had reviewed the video recording and confirmed this.

Motion: a motion to take out the last sentence about Council prioritizing in order of importance, and amending to read as the motion was originally set for above was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

4. **PRESENTATIONS – none scheduled**

5. **COMMITTEE REPORTS – none scheduled**

6. **PUBLIC HEARINGS - ORDINANCES**

a. ORDINANCE NO. 2016-02 (Charter Amendment - Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED “ELECTIONS,” TO AMEND SUBSECTION (5) ENTITLED “TOWN CANVASSING BOARD,” TO PROVIDE FOR THE TOWN CLERK, AND TWO OTHER MEMBERS TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN’S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council or from the public.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

b. ORDINANCE NO. 2016-03 (Charter Amendment – Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED “ADMINISTRATIVE,” TO AMEND SUBSECTION (3) ENTITLED “TOWN MANAGER” TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE

TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council or from the public.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

c. ORDINANCE NO. 2016-04 (Charter Amendment – Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED “BUDGET AND APPROPRIATIONS,” TO DELETE SUBSECTION (6) ENTITLED “REVENUE BONDS; LEASE-PURCHASE CONTRACTS,” WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council. Lawrence Corning wanted to know if this took out the requirement for a referendum vote on all debt. Attorney Cirullo responded this would put the Town’s policies in line with the State Laws, therefore some debt would still require a referendum vote and some would not. Mr. Corning responded he was not in favor of this. There were no further public comments.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

d. ORDINANCE NO. 2016-05 (Code Amendment - Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO ENACT SEXUAL OFFENDER AND PREDATOR PROHIBITIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES OR SIMILAR CRIMES IN OTHER JURISDICTIONS FROM LIVING OR WORKING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM WORKING AT OR WITHIN SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; TO PROHIBIT RENTING OR LEASING OF ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Notice of public hearing was placed in the Palm Beach Post on May 7, 2016. There were no comments from the Council or from the public.

Motion: a motion to adopt the ordinance on second and final reading was made by Council Member McLendon and seconded by Council Member Jarriel. Roll call vote was in favor of adoption 4 – 0.

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

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
 - 8th Place North – several documents have been transmitted to Mr. Jackson's Attorney and the Town has requested more from the Water Control District.
 - The code officer will begin on June 1st.
 - Big Dog Ranch – PBC has inspected the site and found problems
- b. Palm Beach Sheriff's Office District 15 Monthly Report for April 2016

8. **OLD BUSINESS**

- a. RESOLUTION No. 2016-21 (Site Plan) – **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE

GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "F" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Underwood advised the Council that this resolution had been continued at the April 19th meeting, and again at the May 3rd meeting so that some sort of agreement could be reached between the Applicant and their neighbor, Farmer Girl Market. Presentation of the entire site plan had been done at previous meetings, and remained on the record. Town Attorney Cirullo swore in Jim Fleischmann, Ryan Johnston and Julie Campbell.

Mr. Johnston had a powerpoint presentation, which could not be shown at the meeting but was submitted to the clerk for the record, and containing an aerial view of the sites from 2011/2012. Mr. Johnston read into the record a summary of a meeting with DOT in 2012, in which DOT stated they installed the guardrail for safety reasons along what they considered an illegal access. In 2006 there was a cross access agreement with a 40 foot easement road. There has been another meeting between DOT, Mr. Fleischmann, Julie Campbell and Mr. Johnston. Mr. Johnston's clients had completed the access to the fence of Ms. Campbell's property. There was approximately 100 feet of landscape to reach her parking lot. At the meeting Ms. Campbell had agreed to extend the easement to her parking lot; however, now does not wish to do so unless the Applicant pays for the work. At this meeting DOT stated it had been their decision to put up the guardrail. Ms. Campbell provided a copy of an email she received from the Applicant with an aerial to show the access suggested.

Motion: a motion to receive and file the copy of the email was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Ms. Campbell then stated she did not think DOT would have put up the guardrail if the property owners had not encouraged them to do so. She felt this was a road by prescription since it had been there for so long. She did not disagree with what they are proposing to do; but if they want something from her then she wants something from them.

Motion: a motion to receive and file the copy of the letters read by Mr. Johnston was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0.

Council felt that the Applicant needed to make more effort to work with Farmer Girl Market to mitigate the impact to their business and give the community back the access to this site that had been removed by the guardrail. The Council agreed to table this item until the next meeting, but it was the last time it would be continued. Mr. Johnston asked for clarification since they had provided a paved access to a leaver road up to her property. He agreed to table the item for now and would go back to his clients. He felt they would have to put the client's integrity aside just to get this project approved. Mayor Browning disagreed and stated he wished everyone had fought more to straighten this out at the beginning of the original construction on this project.

Motion: a motion to table this item until the next council meeting was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Mayor Browning called a break at 8:27 pm. Meeting resumed at 8:37 pm.

b. RESOLUTION NO. 2016-32 (Appointment P&Z)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AND _____, AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

This item was continued to the next meeting as Council did not have any nominations to bring forward tonight.

c. RESOLUTION NO. 2016-33 (Appointment FAAC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

This item was continued to the next meeting since Council Member Liang was absent and this was his appointment.

d. RESOLUTION NO. 2016-34 (Appointment RETRAG)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AS A VOTING MEMBER OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (RETRAG), TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member McLendon nominated Hollie Proesel as a member of the RETGAC Committee.

Motion: a motion to approve Hollie Proesel as a member of the RETGAC Committee was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

e. RESOLUTION NO. 2016-35 (Appointment ULDC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A REGULAR VOTING MEMBER, AND APPOINTING _____ AS AN ALTERNATE MEMBER OF THE TOWN'S ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

This item was continued to the next meeting since Council Member Liang was absent and this was his appointment.

f. Discussion and Direction on FAAC Investment Recommendations

Vice Mayor Goltzené commented that these bond funds would only have a small yield. The Town would not get rich on these investments, but would be more than now.

Motion: a motion to have Staff bring back resolutions to move forward with the two recommended investment entities was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 4 – 0.

9. NEW BUSINESS

ADD:

a. Big Dog Ranch

A placard had been placed on the property by Palm Beach County, giving Big Dog Ranch 10 days, which ended Monday, to comply with building violations. The trailers on site were supposed to be construction trailers only, not open for business.

Attorney for Big Dog, Santo DiGangi, stated all activities on the site had been approved by Resolution No. 2015-09. The temporary office trailers were on the plans submitted to the Town on 6/29/2015. Plans were stamped by the Town on 11/19/2015. It had taken the Town six months to approve the final plans on 12/3/2015. Regarding the dogs on site, they were walked on leashes and the waste was picked up in bags for proper disposal. Big Dog would be providing the Town with almost \$7,000 in taxes and had provided a 30 foot R/O/W for an equestrian trail. Palm Beach County has told Big Dog that they had no problem working with them, and Big Dog was requesting a two week extension.

Council Member McLendon wanted to know how many dogs and personnel were on the site. Also, was their primary access on Okeechobee?

Vice Mayor Goltzené stated they were not in compliance with condition #3 landscape plan, and there were not supposed to be any dogs before the sound monitoring was installed. Vice Mayor Goltzené added there did not appear to be a primary access established. Also he saw the personnel walking the dogs every day.

Laurie Simmons, President of Big Dog Ranch stated they plans had been submitted in June 2015 and sat unopened until they were stamped in November; and they would not be in temporary trailers except for this. She was out of Town when her employee submitted the applications for the trailers. Engineering drawings for handicap ramps were required for temporary office trailers; therefore, she advised employee to submit applications for construction trailers. She was supposed to change the applications to office trailers when ramp engineering came in, but did not. The trailers were within their use as medical rescue offices. In response to Council Member McLendon's question, Ms. Simmons stated there were 48 sick dogs, 3 heartworm techs, 2 vet techs, 1 Vet, 2 office personnel and 2 adoption girls on site. Ms. Simmons added that several sites in Loxahatchee Groves were fostering her animals and there

were at least 3 other pet rescues located in Loxahatchee Groves. Ms. Simmons stated that the Health Department had okayed the Consumptive Permit from PBC. When asked about South Florida Water Management, Ms. Simmons responded yes on the commercial building and no on the trailers.

Virginia Standish, North Road, stated that this community loves animals and do have other rescues here; however part of the problem was that Big Dog, on their facebook page, was inviting the public to their site. This could cause legal concerns for the Town. The Town was required to make sure everything was done right. They don't want to set a precedent of allowing the public to use a site while construction was still going on and no certificate of occupancy.

Karen Piesley, D Road, stated there were dogs on the site with parvo. Once that is in the ground, it is there for years. There are no health inspections at this site yet. Ms. Simmons responded that the dogs had come from Palm Beach County and were kept very isolated. Staff wore booties and jumpsuits and the dogs never leave the rooms for 3 weeks.

Council Member McLendon stated he was disappointed that Big Dog had put the dogs at risk. It was not fair. Big Dog had caused the problems and they have not met the conditions of the site plans they agreed to.

Council Member Jarriel stated let's keep it simple. The letter from the County on May 19th stated they wanted to give inspections to approve and letter says no active business or the electric would be cut on 10 business days. The County permits say construction trailers, not office. Not so much to fix all the problems, but Council Member Jarriel stated possibly give them 2 weeks to help the dogs.

Town Attorney Cirullo stated he hasn't evaluated the issues coming out tonight; but put the liability issue off for tonight's decision.

Motion: a motion to give Big Dog Ranch a two week extension to put the dogs somewhere else was made by Council Member Jarriel. Motion failed for no second.

10. COUNCIL REPORTS

- a. Council Member Todd McLendon
 1. Discussion and Direction on Solid Waste removal town-wide.

Council Member McLendon stated there were still a lot of properties with no garbage collection assessments, including nurseries that were using other properties to dump their garbage. There were two specific properties on Folsom and on Okeechobee. This was not fair and would like to see everyone assessed for garbage. Council Member Jarriel did not feel that properties with vacant land should be assessed the same as developed properties. Council Member McLendon would like to have Council direct Staff to bring back a plan. Town Attorney Cirullo advised the Council that Staff would have to research the procedures for special assessments, and possibly some alternatives.

Motion: a motion to direct Staff and Town Attorney to bring forward a plan for a garbage assessment for all properties in Loxahatchee Groves, and/or alternative ideas, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

Council Member McLendon asked to add a second item: a speed limit resolution for Folsom Road.

Council Member Jarriel stated that there should be speed control on Folsom road, but speed tables should not be considered. Fire/Rescue and the Police use Folsom as a main access now; and he would rather pay PBSO to monitor traffic than install speed tables. On a separate issue, there should be a resolution to drop the speed limit on Okeechobee to 40mph. Possibly the County would help with this. Council Member McLendon suggested that if the speed limits were lowered to 30mph then speed tables would not be necessary. Mayor Browning responded that he was not an advocate of speed tables, but he was not against lowering the speed limits, and asked what the statutory limits were.

Motion: a motion to direct Staff and Town Attorney to bring forward resolutions to lower the speed limits to 30mp and notify the County was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0. (check video)

Council Member McLendon suggested the Manager work with Ms. Herzog on the park which had received the grant funds. Also commented that maybe her next grant could be for guardrails.

Vice Mayor Goltzené added an item for discussion: a moratorium on animal rescues with over 20 dogs.

Motion: a motion to direct Staff and Town Attorney to bring forward an ordinance creating a moratorium on animal rescue facilities with over 20 dogs was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 4 – 0.

Manager Underwood asked for clarification that this would include all rescue facilities. Council agreed it would cover all.

11. CLOSING COMMENTS

a. Public

Virginia Standish, North Road, thanked the Council for getting rid of the stops on Folsom Road, since George Webb doesn't own the roads. Regarding trail crossings, possibly B Road could be used for testing.

b. Town Attorney

Town Attorney Cirullo asked if another Shade Meeting was required for PSG, he would like Council consensus to schedule. Council gave consensus. Town Attorney Cirullo stated he provided a memo regarding the flood plan ordinance and would welcome comments.

c. Town Council Members

Each member thanked everyone for coming tonight and safe travels home.

13. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 9:46 PM.

Virginia Walton, Town Clerk

David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, _____2016.



Town of Loxahatchee Groves

Special Town Council Meeting

Tuesday, May 25, 2016 5:00 p.m.

Town of Loxahatchee Groves Town Offices, 155 F Road
Loxahatchee Groves, Florida 33470

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

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING OF PUBLIC MEETING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 5:00 p.m. Present were Mayor David Browning, Vice-Mayor Tom Goltzené, Councilmen Ronald D. Jarriel, Council Member Todd McLendon, Council Member Ryan Liang, Town Manager William F. Underwood, II by telephone, Town Attorney Michael D. Cirullo, Jr. and Town Clerk Virginia Walton.

b. Approval of Agenda

Motion: a motion to approve the agenda as presented was made by Council Member Liang and seconded by Vice Mayor Goltzené. Motion passed 5 – 0.

2. BIG DOG RANCH RESCUE V. TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY CIRCUIT COURT, CASE NO. 502016CA005654XZXXXMB

Town Attorney Cirullo explained that Florida Statutes required that he request in a public meeting that the Council schedule a closed door-shade meeting in order to discuss the pending litigation and settlement options. Attorney Cirullo requested that the Council meet tomorrow, May 26, 2016 at 3:00 pm for this closed door-shade meeting.

Mayor Browning addressed the public present at the meeting and explained that public comment was limited to this one item on the agenda and would be allowed prior to Council vote. The one item was whether or not the Town Council should meet in a closed door session to discuss and explore settlement options. A Court Order had required the parties meet for Mediation, which had taken place. The Mediator had instructed both parties that the mediation was confidential while the suit was ongoing. Therefore, no discussion concerning the details of the suit could take place today. Mayor Browning understood that people had strong feelings on this issue and he asked that any comments be kept to the item on the agenda, be kept civil and brief.

Consensus of comments was that the public had been misinformed in believing that this meeting was a regular meeting where they could speak on the issues.

The following members of the public spoke in favor of the Council having the meeting to come up with solutions to the issues:

Thais Gonzalez, James Himmell, Kristine Kaelin, Linda Obermeyer, Bill Louda, Tracy Amera, Susan Kope, Linda Isaacs, Norman Merkel, Ellen Flynn, Valerie Roy and Tom Flynn.

A petition and letters in support of Big Dog Ranch were submitted to the Council.

Motion: a motion to receive and file the petition and letters was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

Council Member Jarriel added that he wished they didn't have to have this meeting but hoped the meeting would be positive for the dogs.

a. Attorney Request to Schedule a Closed Door-Shade Meeting

F. S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

Motion: a motion schedule a closed door-shade meeting on May 26, 2016 at 3:00 pm was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

5. ADJOURNMENT

Motion: Special Meeting was motioned and adjourned at 5:17 pm.

Virginia M. Walton, Town Clerk

David Browning, Mayor



Town of Loxahatchee Groves

Special Town Council Meeting

Tuesday, May 26, 2016 3:00 p.m.

Town of Loxahatchee Groves Town Offices, 155 F Road
Loxahatchee Groves, Florida 33470

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

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING OF PUBLIC MEETING – Town of Loxahatchee Groves Office

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 3:02 p.m. Present were Mayor David Browning, Vice-Mayor Tom Goltzené, Councilmen Ronald D. Jarriel, Council Member Ryan Liang and Council Member Todd McLendon. Also present was Virginia Walton, Town Clerk who opened and closed the meeting; Michael D. Cirullo, Town Attorney, Town Manager William F. Underwood, II by telephone, and Donna Meyers, Court Reporter.

Town Attorney Mike Cirullo opened the proceedings at 3:04 p.m. read the instructions for the Special Town Council Meeting.

2. BIG DOG RANCH RESCUE V. TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY CIRCUIT COURT, CASE NO. 502016CA005654XZXXXMB

F. S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

The Town Council Mayor Shall Announce:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is one hour
- c.) The names of the persons attending:

David Browning, Mayor
Tom Goltzené, Vice Mayor
Ron Jarriel, Council Member
Todd McLendon, Council Member
Michael D. Cirullo, Jr., Town Attorney
Michael T. Burke, Esq., Special Insurance Counsel
William F. Underwood, II, Town Manager

Court Reporter Donna Meyers

d.) The Special Town Council Meeting will adjourn and the persons listed above will enter into the Closed-Door Attorney/Client Session.

3. CONVENE ATTORNEY-CLIENT SESSION

4. RE-OPENING OF PUBLIC MEETING AND ANNOUNCEMENT OF TERMINATION OF ATTORNEY-CLIENT SESSION

- a.) Call to Order
- b.) Town Council Mayor to Announce the Termination of the Attorney/Client Session
- c.) Possible Direction from Town Council

The above announcements were made. Town Attorney Mike Cirullo closed the Attorney Client Session at 5:08 pm.

5. ADJOURNMENT

Motion: Council Member McLendon made a motion to adjourn the Special Meeting, which was adjourned at 5:09 pm.

Virginia M. Walton, Town Clerk

David Browning, Mayor



Town of Loxahatchee Groves

Special Town Council Meeting

Tuesday, June 7, 2016 5:00 p.m.

Town of Loxahatchee Groves Town Offices, 155 F Road
Loxahatchee Groves, Florida 33470

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

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING OF PUBLIC MEETING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 5:00 p.m. Present were Mayor David Browning, Vice-Mayor Tom Goltzené, Councilmen Ronald D. Jarriel, Council Member Todd McLendon, Council Member Ryan Liang, Town Manager William F. Underwood, II, Town Attorney Michael D. Cirullo, Jr. and Acting Town Clerk Perla Underwood.

b. Approval of Agenda

Motion: a motion to approve the agenda as presented was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

c. Approval of Consent Agenda

1. Approval of Palm Beach County Water Utilities Connection –
Loxahatchee Groves Commons Shopping Center
Palm Beach State College

Council Member Jarriel wanted to know if Royal Palm Beach was still received the 10% for each connection.

Motion: a motion to approve the Palm Beach County Water Utilities Connection for Loxahatchee Groves Commons Shopping Center was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

2. BIG DOG RANCH RESCUE V. TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY CIRCUIT COURT, CASE NO. 502016CA005654XZXXXMB

Town Attorney Cirullo explained that Florida Statutes required that he request in a public meeting that the Council schedule a closed door-shade meeting in order to discuss the pending litigation and settlement options.

a. Attorney Request to Schedule a Closed Door-Shade Meeting

F. S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

Attorney Cirullo requested that the Council choose a date and time for this closed door-shade meeting. Council Member McLendon commented that he felt direction had already been given.

Motion: a motion schedule a closed door-shade meeting on Thursday, June 9, 2016 at 4:30 pm was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 5 – 0.

5. ADJOURNMENT

Motion: Special Meeting was motioned and adjourned at 5:06 pm.

Virginia M. Walton, Town Clerk

David Browning, Mayor



Town of Loxahatchee Groves

Special Town Council Meeting

Thursday, June 9, 2016 4:30 p.m.

Town of Loxahatchee Groves Town Offices, 155 F Road
Loxahatchee Groves, Florida 33470

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

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING OF PUBLIC MEETING – Town of Loxahatchee Groves Office

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 4:38 p.m. Present were Mayor David Browning, Councilmen Ronald D. Jarriel, Council Member Ryan Liang and Council Member Todd McLendon. Also present was Virginia Walton, Town Clerk who opened and closed the meeting; Michael D. Cirullo, Town Attorney, Town Manager William F. Underwood, II and Donna Meyers, Court Reporter. Vice-Mayor Tom Goltzené was absent.

Town Attorney Mike Cirullo opened the proceedings at 4:43 p.m. and read the instructions for the Special Town Council Meeting.

2. BIG DOG RANCH RESCUE V. TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY CIRCUIT COURT, CASE NO. 502016CA005654XZXXXMB

F. S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

The Town Council Mayor Shall Announce:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is one hour
- c.) The names of the persons attending:

David Browning, Mayor
Tom Goltzené, Vice Mayor
Ron Jarriel, Council Member
Todd McLendon, Council Member
Michael D. Cirullo, Jr., Town Attorney
Michael T. Burke, Esq., Special Insurance Counsel
William F. Underwood, II, Town Manager

Court Reporter Donna Meyers

d.) The Special Town Council Meeting will adjourn and the persons listed above will enter into the Closed-Door Attorney/Client Session.

3. CONVENE ATTORNEY-CLIENT SESSION

4. RE-OPENING OF PUBLIC MEETING AND ANNOUNCEMENT OF TERMINATION OF ATTORNEY-CLIENT SESSION

- a.) Call to Order
- b.) Town Council Mayor to Announce the Termination of the Attorney/Client Session
- c.) Possible Direction from Town Council

The above announcements were made. Town Attorney Mike Cirullo closed the Attorney Client Session at 6:15 pm.

5. ADJOURNMENT

Motion: Council Member McLendon made a motion to adjourn the Special Meeting, which was adjourned at 6:16 pm.

Virginia M. Walton, Town Clerk

David Browning, Mayor

LOXAHATACHEE GROVES/TOWN OF
155 F Road
Loxahatchee Groves FL 33470

Page: 1
06/02/2016
ACCOUNT NO: 1574-0702400R
STATEMENT NO: 10034

Attn: William F. Underwood, II - Town Manager

General Matters

MDC

			HOURS
04/27/2016	MDC	Review, revise charter ordinances (canvassing board, borrowing, and management); revise sexual predator ordinance; telephone conference with J. Fleischman re: site plan extensions, review resolution; review emails from BU on pending items.	2.30
04/28/2016	MDC	Review ULDC resolution; review B Road agreement executed documents, review status of trails issue; telephone conference with BU on Raymond Drive, District matters.	1.30
04/29/2016	SCW	Draft memorandum regarding Flood Plain Ordinance.	1.70
	MDC	Review B Road matters, documents; review agenda materials; telephone conference with J. Fleischman re: pending projects; review Underwood Contract Amendment (code enforcement); review permit issues, begin reviewing agenda materials for 5/03/ meeting	1.90
	DJD	Conference with Mike Cirullo	0.30
05/02/2016	SCW	Review implications should the Town not elect to participate in NFIP and modify memorandum regarding the Flood Plain Ordinance to include this information.	0.50
	MDC	Review agenda materials for 5/3 meeting, review revised addenda.	0.80
05/03/2016	SCW	Draft correspondence to Leigh Chapman (State of Florida), evaluate correspondence received from Ms. Chapman. Supplement and modify memorandum regarding Flood Plain Ordinance.	0.60
	MDC	Miscellaneous telephone calls re: Council meeting; review materials, attend Council meeting.	4.30
05/04/2016	MDC	Follow up on items from Council meeting; review status of public records requests; review PZ matters with JF (notice, comp plan, Day site plan); review PZ notice; review B Road dedications, telephone conference with Randy Wertepny, begin preparing Roadway Map Resolution; assist Clerk with public records request.	2.00
05/05/2016	SCW	Final revisions and preparation of exhibits for memorandum regarding Flood Plain Ordinance.	0.40
	MDC	Review and revise memo on flood map insurance, review status of charter ordinance notices; review revised ULDC resolution; telephone conference with Scott Bryson; review documents for B Road southern portions;	

General Matters

			HOURS
		miscellaneous telephone calls on B Road deeds.	1.20
05/06/2016	SCW	Review and analysis regarding Okeechobee Blvd. and the Town's procedure for changing a speed limit.	1.00
	MDC	Review materials and status of pending matters (Big Dog, agenda for 5/17, ordinance notices, Day site plan).	0.60
05/09/2016	MDC	Review issues w/ LGWCD Deeds; Telephone call w/ Bill Underwood on pending items, review correspondence Re: ESI property (FRd)	0.70
05/10/2016	MDC	Review proposed comp plan amendments language for Okeechobee Boulevard; Review WBI change order resolutions; Review surtax materials and interlocal agreements; Revise B Road dedication resolution; Review LGWCD Deed Matters; Review materials, telephone conference with PBSC covered re: trails issues. Revise resolution for roadway maps, telephone conference with Virginia Walton Re: agenda items, Hardrives agreements, public records; Review Committee Appointment Resolutions; telephone conference with Brian Seymour (PBSC) Re: trails issues; telephone conference with BU.	3.20
05/11/2016	MDC	Misc telephone conference with VWalton on agenda items; review revised Interlocal Agenda (Surtax), review documents Re: 8th Place North; review Hardrives documents, provide comments to VW, misc telephone conference with BU, attorney for Big Dog Re: permit issues on property	1.60
05/13/2016	SCW	Review municipal code of ordinances, information online, and FDOT regarding speed limit.	0.50
	MDC	Review agenda items for 5/17; Miscellaneous telephone conference with BU; telephone conference with Jim Fleischman Re: Okeechobee, Big Dog, Groves medical Plaza; Review Big Dog materials, review speed zone items	1.70
05/16/2016	SCW	Continue review of materials and Florida Department of Transportation manual.	0.30
	MDC	Review materials for 5/17 meeting, review materials on speed limits, telephone conference with BU on pending items (5/17 meeting issues, 8th Place North, Big Dog) telephone conference with counsel for Big Dog	2.90
05/17/2016	MDC	Continue reviewing materials re: Big Dog Rescue; Miscellaneous telephone conference on pending matters; review agenda materials, prepare for and attend council meeting	5.30
05/18/2016	MDC	Review items from 5/17 Council meeting; Telephone conference with BU on pending items.	0.90
05/19/2016	MDC	Miscellaneous telephone conference Re: 8th Place North, confer with Bill Underwood; review miscellaneous road maintenance leases; discuss pending items with Bill Underwood, review emails on miscellaneous items (roads, PBSC).	1.50
05/20/2016	MDC	Review emails, miscellaneous telephone conference on 8th Place North.	0.20
05/25/2016	MDC	Telephone conference with counsel for ESI, update Bill Underwood.	0.20

General Matters

			HOURS	
05/26/2016	MDC	Review status of road map recording, telephone conference with Scott Bryson; review information on 8th Place North.	0.30	
05/27/2016	MDC	Review emails on pending items, B Road projects.	0.30	
05/31/2016	MDC	Review emails on agenda items, miscellaneous planning items.	0.30	
		FOR CURRENT SERVICES RENDERED	<u>38.80</u>	<u>7,178.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	0.30	\$185.00	\$55.50
MICHAEL D. CIRULLO	33.50	185.00	6,197.50
SHARI C. WALLEN	5.00	185.00	925.00

Photocopies	<u>159.60</u>
TOTAL EXPENSES THRU 05/31/2016	159.60
TOTAL CURRENT WORK	7,337.60
BALANCE DUE	<u>\$7,337.60</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Attn: William F. Underwood, II - Town Manager

Page: 1
06/02/2016
ACCOUNT NO: 1574-1009270R
STATEMENT NO: 10035

Code Enforcement Matters

05/12/2016	t/c with Perla Underwood and review of correspondence re: code complaince and all necessary follow up	<u>111.00</u>
	FOR CURRENT SERVICES RENDERED	111.00
	TOTAL CURRENT WORK	111.00
	BALANCE DUE	<u>\$111.00</u>

MDC

GOREN, CHEROF, DOODY & EZROL, P.A.
 Attorneys at Law
 3099 East Commercial Boulevard
 Suite 200
 Fort Lauderdale, Florida 33308
 Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
 155 F Road
 Loxahatchee Groves FL 33470

Page: 1
 06/02/2016
 ACCOUNT NO: 1574-1107598R
 STATEMENT NO: 10036

Attn: William F. Underwood, II - Town Manager

Professional Services Group Billing Dispute

MDC

			HOURS	
04/29/2016	MDC	Review materials, review complaint; begin preparing for shade meeting.	1.00	
05/03/2016	MDC	Review materials, prepare for and attend shade session with Council.	1.70	
05/10/2016	MDC	Telephone conference with opposing counsel, update Bill Underwood; review status of shade meeting	0.30	
05/12/2016	MDC	Review materials for 5/17 Shade meeting	0.30	
05/16/2016	MDC	Review materials for 5/17 meeting	0.50	
05/17/2016	MDC	Review materials, prepare for and attend shade meeting	1.00	
05/18/2016	MDC	Review materials, telephone conference with opposing counsel.	0.40	
05/19/2016	MDC	Review emails, telephone conference with opposing counsel, misc telephone conference with council; update Bill Underwood.	0.50	
05/20/2016	MDC	Review status of settlement, forward release to opposing counsel.	0.20	
	TAD	Review complaint and prepare draft of general release.	0.80	
05/24/2016	MDC	Correspond with opposing counsel Re: status of case, update council.	0.30	
		FOR CURRENT SERVICES RENDERED	7.00	1,295.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	6.20	\$185.00	\$1,147.00
TRACEY A. DECARLO	0.80	185.00	148.00

Photocopies	16.10
TOTAL EXPENSES THRU 05/31/2016	16.10
TOTAL CURRENT WORK	1,311.10

TOWN OF LOXAHATCHEE GROVES

Professional Services Group Billing Dispute

Page: 2
06/02/2016
ACCOUNT NO: 1574-1107598R
STATEMENT NO: 10036

BALANCE DUE

\$1,311.10

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
 Attorneys at Law
 3099 East Commercial Boulevard
 Suite 200
 Fort Lauderdale, Florida 33308
 Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
 155 F Road
 Loxahatchee Groves FL 33470

Page: 1
 06/02/2016
 ACCOUNT NO: 1574-1107600R
 STATEMENT NO: 10037

Attn: William F. Underwood, II - Town Manager

adv. Big Dog Ranch (Litigation)



			HOURS
05/18/2016	MDC	Review materials, confer w/ BJS, Miscellaneous research on potential injunction; telephone conference with Maz Keshavsiz; telephone conference with BU on documents; miscellaneous preparation for 5/19 meeting at Town Hall.	2.70
	BJS	Legal Research re: elements and defenses to a temporary Injunction, with all applicable follow up to MDC.	1.50
05/19/2016	BJS	Begin preparing for anticipated litigation and potential emergency injunction. Meeting with Randy Wertepny and MDC; attend meeting at Town Hall re: review of documents with staff, t/c with County Attorney's Office, review of documents at Palm Beach County Building Department and obtain certified copies of records, with updates to MDC	7.30
	MDC	Review materials, meet w/ Randy Wertepny; meet w/ BU, TB, JF, review Town Records, status of project and approvals regarding expected litigation.	3.90
05/20/2016	BJS	Legal Research, review certified document, review Compliant, review Motion for Injunction, review court order; miscellaneous research and review on potential response and opposition to Verified Motion for Injunction Relief, and follow t/c with MDC.	5.60
	MDC	Review emails Re: filing of lawsuit. telephone conference with Mayor Browning Re: service of process; Miscellaneous email w/ clerk, receive and review summons, verified complaint, motion for emergency injunction, telephone conference with clerk Re: insurance coverage issues; begin coordinating w/ special defense counsel; Miscellaneous telephone conference with council members; review Temporary Injunction order , correspondence from opposing counsel and county attorney Re: court ordered settlement conference required to be held before Monday, May 23; Forward information to Mike Burke (special counsel); coordinate delivery of records from Town; continue to update council on actions relating to court order; Review Notice of Mediation; forward pleadings to Mike Burke; prepare for and meet with Mike Burke about case, settlement conference; attend telephone settlement conference w/ opposing counsel, county attorney, building officials; update council on settlement and status of mediation; review correspondence on status of building permits.	8.70
05/23/2016	MDC	Review materials, meet with Mike Burke, Mayor Browning; prepare for and attend court ordered mediation; Miscellaneous telephone conference with council, telephone conference with Virginia Walton on special meeting;	

adv. Big Dog Ranch (Litigation)

			HOURS	
		telephone conference with Bill Underwood, review notice for special meeting.	4.40	
	BJC	Draft response to MDC correspondence	0.30	
05/24/2016	MDC	Miscellaneous telephone conference with MB; Miscellaneous telephone conference with council members; coordinate scheduling of shade meeting, update Bill Underwood, continue reviewing matters related to meeting; review Amended Complaint.	2.00	
05/25/2016	MDC	Continue reviewing materials for meeting; review Amended Complaint; Miscellaneous telephone conference, review issues with meeting, anticipated crowds, Miscellaneous telephone conference with council members, update Bill Underwood; prepare for and attend Town Council Meeting.	4.10	
05/26/2016	MDC	Review materials, prepare for attend council meeting.	3.00	
05/27/2016	MDC	Review draft letter to opposing counsel, telephone conference with MBurke, provide comments on proposal.	0.70	
05/31/2016	MDC	Review email from MB, update council members on status of case.	0.60	
		FOR CURRENT SERVICES RENDERED	44.80	8,288.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	30.10	\$185.00	\$5,568.50
BRIAN J. SHERMAN	14.70	185.00	2,719.50

Photocopies	5.95
TOTAL EXPENSES THRU 05/31/2016	5.95
TOTAL CURRENT WORK	8,293.95
BALANCE DUE	<u>\$8,293.95</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

LAND RESEARCH MANAGEMENT, Inc.

2240 Palm Beach Lakes Blvd., Suite 103, West Palm Beach, FL 33409 Tel: (561)686-2481; Fax: (561) 681-1551

To: Mike Cirullo
Goren Cherof Doody & Ezrol

From: Jim Fleischmann

Date: May 31, 2016

Re: Invoice for services - Big Dog Ranch legal issue per Mike Cirullo Direction

INVOICE: TOWN ATTORNEY DIRECTED

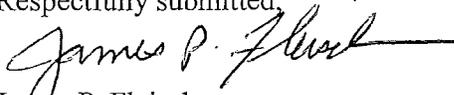
1. Land Research Management hours to May 31, 2016.

11.75 hours* x \$125.00 per hour \$ 1,468.75

Total Amount Due This Invoice **\$ 1,468.75**

* - See attached time sheet.

Respectfully submitted,


James P. Fleischmann,
Vice President

Please Mail Check To The Following Address:

*Land Research Management, Inc.
2240 Palm Beach Lakes Blvd., Suite 103
West Palm Beach, FL 33409*

001-515-343-000 \$ 1,468.75



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

RECEIVED
JUN 16 2016

BY: BK

INVOICE FOR PROFESSIONAL SERVICES

PROJECT: Big Dog Ranch Rescue Issues **DATE** 6/16/2016
TO: Town of Loxahatchee Groves **Project No.** 13-1020
 Attn: Mr. Bill Underwood, Town Manager
 155 F Road
 Loxahatchee Groves, FL 33470 **Invoice No.** 001-BDRR

For services performed through May 20th, 2016 as follows:

- Coordination, correspondence, meeting attendance and telephone conferences with the Town and Town's Attorney associated with Big Dog Ranch Rescue;
- Copied all correspondence from working file, gathered all emails for project into a group and copied all incoming/outgoing project correspondence associated with the subject project for the Town's use.

Principal	1.00 hours @ \$215.00 per hour.	\$ 215.00
Senior Project Manager	2.00 hours @ \$160.00 per hour.	\$ 320.00
Administrator	2.00 hours @ \$ 70.00 per hour.	\$ 140.00

TOTAL AMOUNT NOW DUE \$ 675.00

THE PRESENT STATUS OF THE ACCOUNT IS AS FOLLOWS:

AMOUNT NOW DUE \$ 675.00

Fees for professional services rendered are due and payable upon receipt of invoice. In the event the client has an objection to any portions of said invoice, the client must notify Keshavarz & Associates, Inc. in writing within twenty (20) days of the date of the invoice. Such notice of objection shall be accompanied by payment of any undisputed portion of said invoice. If written objection is not received within twenty (20) days, it shall constitute approval of invoice by client. Amounts not paid in 30 days are subject to 1½% monthly service charge (18% annual rate). If payment is not received within sixty (60) days of the billing date, work could be suspended on the project until the outstanding invoice(s) are paid in full.

711 N Dixie Highway, Suite 201 • West Palm Beach, FL 33401 • 561-689-8600 • www.keshavarz.com

Town of Loxahatchee Groves, Florida
Town Council Agenda
AGENDA ITEM REQUEST
ITEM NO. 3h

MEETING DATE: 06/21/2016

PREPARED BY: BARRY TROMBLEY, C.E.O.

SUBJECT: COLD CASE CODE ENFORCEMENT FILES

1. BACKGROUND/HISTORY:

Problem Statement: Unsubstantiated and dated code violation cases need to be resolved by the Town.

Problem Solution: Authorize code cases be closed legislatively.

During an audit of Code Enforcement case files it was discovered that many cases have not been investigated for several years for unknown reasons. These cases date back to 2012. Code Enforcement Officers employed at that time are no longer employed and unavailable. Investigations are incomplete with insufficient information, no signed complaint affidavit, no method to determine if there was a violation at the time the case was open, no finding of violation, or whether the violation has continued, to proceed with the investigation. These cases should be marked as closed. Should new complaints be received in reference to these conditions, new case files will be initiated and investigations completed.

2. CURRENT ACTIVITY

Staff conducted a review of all open Code Enforcement case files dating back to 2012 and identified the below listed files as being incomplete to the point of being unable to conduct an investigation into the complaint. By doing so it will allow the Code Enforcement Department to properly close these files and to focus its work on open pending investigations. Case file review will continue.

3. ATTACHEMNTS

CASE NUMBER / PROPERTY ADDRESS / PCN NUMBER

20120292 13000 BLOCK RAYMOND DRIVE / 41-41-43-17-642-0020

20100157 2681 F RD / 41-41-43-17-01-523-0010

20120291 1110 F ROAD / 41-41-43-17-604-0010

20130328 14579 SOUTHERN BLVD / 41-41-43-17-01-809-0210

20150432 15961 COLLECTING CANAL ROAD / 41-41-43-17-01-101-0050

20120282 1110 F ROAD / 41-41-43-17-01-604-0010

4. FINANCIAL IMPACT

There is no financial impact.

5. RECOMMENDATIONS

Motion directing the Town Staff to close these files.

Town of Loxahatchee Groves, Florida
Town Council Agenda
AGENDA ITEM REQUEST
ITEM NO. 3h

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4. FINANCIAL IMPACT

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5. RECOMMENDATIONS

Motion directing the Town Staff to close these files.



14579 Southern Blvd #2
 Loxahatchee Groves, FL 33470
 Office Hours: Mon. – Fri. 9:00 am to 4:00 pm
 Phone: 561-793-2418 Fax: 561-792-2420

CODE COMPLIANCE - AFFIDAVIT OF COMPLAINT

Date: 2/15/12

Case #: 12-282

Complainant Contact Information:

***SEE 11-222**

Name: Earnest E Kepler

Home / Office Phone: (561) 602-2276 Cell: () Sam

13105 Raymond Dr Loxahatchee FL
(Street Address) (City)

[Signature] (Signature)

I give permission to the Town Code Enforcement Officer to enter my property to view the violator's actions:

Initialize [Signature] 2/15/2012
 at will,
 with prior verbal consent, at a scheduled time, to be accompanied by me or my representative

Name of Violator: _____

Address of Violation: 1110 F ROAD PCN: 41 41 43 17

Nature of alleged violation: tree removal, boundary encroachments, excessive traffic - ck on commercial farming violation ^{fence + buildings}

Mailing address of Violator: _____

Action Taken By Code Compliance Division: Date Inspected: _____

Results: _____

Violation Issued: No Yes _____ (Code Officer)



TOWN OF
LOXAHATCHEE
EMPLOYEES

14579 Southern Blvd #2
Loxahatchee Groves, FL 33470
Office Hours: Mon. - Fri. 9:00 am to 4:00 pm
Phone: 561-793-2418 Fax: 561-792-2420



OFFICIAL COPY

CODE COMPLIANCE - AFFIDAVIT OF COMPLAINT

Date: 2/1/15

Case #: 20150432

Complainant Contact Information:

Name: Valerie Solaas

1060 "A" Road
(Street Address)

Loxahatchee FL 33470
(City)

Contact Phone: 561-371-8382

[Signature] (Signature)
(must be signed in person at the Town Office)

I give permission to the Town Code Enforcement Officer to enter my property to view the violator's actions:

N/A
 at will,
 with prior verbal consent, at a scheduled time, to be accompanied by me or my representative

Name of Violator: Aguilar 15961 Collecting Canal Rd.

Nature of alleged violation: Travel trailer / camp site

Address/location of violation: _____

OFFICIAL USE ONLY

PCN: 41 41 43 _____

Mailing address of Violator: _____

Action Taken By Code Compliance Division: Date Inspected: _____

Results: _____

Violation Issued: No Yes _____ (Code Officer)



14579 Southern Blvd #2
 Loxahatchee Groves, FL 33470
 Office Hours: Mon. – Fri. 9:00 am to 4:00 pm
 Phone: 561-793-2418 Fax: 561-792-2420

CODE COMPLIANCE - AFFIDAVIT OF COMPLAINT

Date: 5/18/12

Case #: 12-291

Complainant Contact Information:

Name: Earnest Kepler
13105 Raymond Drive Loxahatchee FL
 (Street Address) (City)

Contact Phone: 561 602 2276 [Signature] (Signature)
 (must be signed in person at the Town Office)

I give permission to the Town Code Enforcement Officer to enter my property to view the violator's actions:

- at will,
- with prior verbal consent, at a scheduled time, to be accompanied by me or my representative

Name of Violator: ① building structures without permit ✓
② pond dug without permit.
 Nature of alleged violation: ③ fill ④ setback violations on south and east side
of parcel. ⑤ Too many houses per acre
 Address/location of Violation: Parcel east of my property
1110 F Rd west

OFFICIAL USE ONLY

PCN: 41 41 43 _____ Mailing address of Violator: _____

Action Taken By Code Compliance Division: Date Inspected: Refer to case 11-282
 Results: items listed above being addressed through tree case

Violation Issued: No Yes _____ (Code Officer)

16-157

Property Information

Location Address: 2681 F RD

[View Map](#)

Municipality: LOXAHATCHEE GROVES

[Calculate Portability](#)

Parcel Control Number: 41-41-43-17-01-523-0010

Subdivision: LOXAHATCHEE GROVES IN

[Proposed Tax Notice](#)
[Reverse Side](#)
[Help](#)

Official Records Book: 09416 Page: 1289 Sale Date: Aug-1996

Legal Description: LOXAHATCHEE GROVES TR 23 (LESS W 420 FT) BLK E & N 50 FT OF 100 FT STRIP OF LAND LYG S OF & ADJ TO

Owner Information

Name: GIRGIS LATIF A

[All Owners](#)

Mailing Address: 2947 APALACHEE RD
WEST PALM BEACH FL 33406 6627

Sales Information

Sales Date	Book/Page	Price	Sale Type	Owner
Aug-1996	<u>09416/1289</u>	\$90,000	WARRANTY DEED	
Jul-1983	<u>03999/1430</u>	\$70,000	WARRANTY DEED	

Exemptions

Exemption Information Unavailable.

Appraisals

Tax Year:	2009	2008	2007
Improvement Value:	\$2,000	\$2,000	\$2,000
Land Value:	\$373,012	\$528,595	\$603,722
Total Market Value:	\$375,012	\$530,595	\$605,722

Use Code: 6600 - AGRICULTURE

All values are as of January 1st each year

Property Information

Number of Units: 0
*Total Square Feet: 0
Acres: 11.3671
* May indicate living area in residential properties.

Assessed and Taxable Values

Tax Year:	2009	2008	2007
Assessed Value:	\$182,304	\$271,357	\$306,632
Exemption Amount:	\$0	\$0	\$0
Taxable Value:	\$182,304	\$271,357	\$306,632

[Structure Detail](#)

Taxes

Tax Year:	2009	2008	2007
Ad Valorem:	\$3,728	\$5,011	\$5,609
Non Ad Valorem:	\$2,130	\$2,130	\$1,727
Total Tax:	\$5,858	\$7,141	\$7,336

[Tax Calculator](#)

[Details](#)

[Tax Collector WebSite](#)

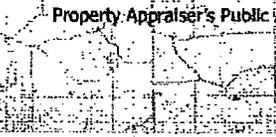


Gary R. Nikolits, CFA

Property Appraiser

Palm Beach County

Property Appraiser's Public Access **PAPA**






Location Address 14579 SOUTHERN BLVD
 Municipality LOXAHATCHEE GROVES
 Parcel Control Number 41-41-43-17-01-809-0210
 Subdivision LOXAHATCHEE GROVES IN
 Official Records Book 07390 Page 1143
 Sale Date SEP-1992
 Legal Description LOXAHATCHEE GROVES SLY 599.73 FT OF TH PT OF TR 9 LYG N OF & ADJ TO SR 80 R/W (LESS S 200 FT OF N 320 FT OF

Owners

YEES CORP

Mailing address

2375 VISTA PKWY
 WEST PALM BEACH FL 33411 2721

Sales Date	Price	OR Book/Page	Sale Type	Owner
SEP-1992	\$625,000	07390 / 1143	WARRANTY DEED	YEES CORP
SEP-1992	\$100	07390 / 1137	QUIT CLAIM	
JUN-1990	\$100	06639 / 0376	WARRANTY DEED	
APR-1990	\$100	06443 / 0236	CERT OF TITLE	

No Exemption Information Available.

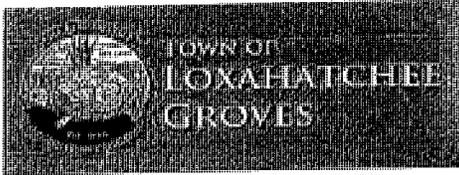
Number of Units 0	*Total Square Feet 22380	Acres 5.90
Use Code 1100 - STORES	Zoning CG - General Commercial (41-LOXAHATCHEE GROVES)	

Tax Year	2012	2011	2010
Improvement Value	\$0	\$0	\$0
Land Value	\$0	\$0	\$0
Total Market Value	\$1,600,000	\$1,600,000	\$1,600,000

All values are as of January 1st each year

Tax Year	2012	2011	2010
Assessed Value	\$1,600,000	\$1,600,000	\$1,600,000
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$1,600,000	\$1,600,000	\$1,600,000

Tax Year	2012	2011	2010
Ad Valorem	\$32,557	\$33,251	\$33,872
Non Ad Valorem	\$13,559	\$12,791	\$11,018
Total tax	\$46,116	\$46,042	\$44,890



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 Phone: 561-793-2418 Fax: 561-792-2420

CODE COMPLIANCE - AFFIDAVIT OF COMPLAINT

Date: 5/18/12

Case #: 12-292

Complainant Contact Information:

Name: Earnest Kepler

13105 Raymond Dr Loxahatchee FL
 (Street Address)

Contact Phone: 561 602 2226

[Signature] (Signature)
 (must be signed in person at the Town Office)

I give permission to the Town Code Enforcement Officer to enter my property to view the violator's actions:

at will,
 with prior verbal consent, at a scheduled time, to be accompanied by me or my representative

Name of Violator: Section 20-010 B62c
 Nature of alleged violation: 1 cypress trees & other trees destroyed by horses
2 to many horses per acre -

Section 20-010 #1
 Address/location of Violation: 3 Parcel size shall be five acres or greater
Parcel west of my property
east

OFFICIAL USE ONLY

PCN: 41 41 43 _____ Mailing address of Violator: _____

Action Taken By Code Compliance Division: _____ Date Inspected: _____

Results: _____

Violation Issued: No Yes _____ (Code Officer)

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT
AGENDA ITEM NO. 3i

MEETING DATE: 06/21/2016

PREPARED BY: Virginia Walton, Town Clerk

SUBJECT: Resolution No. 2016-47 Charter Amendment Ballot Language

1. BACKGROUND/HISTORY

Problem Statement: compliance with the Supervisor of Elections Agreement requires that any referendum ballot questions placed on the statewide primary election ballots must be submitted in resolution form.

Problem Solution: place ballot language in resolution form for submission to the Supervisor of Elections.

2. CURRENT ACTIVITY

The Town Council has adopted Ordinances No. 2016-02, No. 2016-03 and No. 2016-04, which approved charter amendments regarding the canvassing board, the town manager duties and responsibilities and debt borrowing. The ballot language that was approved in those ordinances needs to be put in resolution form for submission to the Supervisor of Elections by the deadline of June 24, 2016, in order to be placed on the August 30, 2016 statewide primary election ballot.

3. ATTACHMENTS

Resolution No. 2016-47

4. FINANCIAL IMPACT

No impact

5. RECOMMENDED ACTION

Motion to approve Resolution No. 2016-47 and direction to forward to the Supervisor of Elections.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-47

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR QUESTIONS TO BE PLACED ON THE BALLOT FOR THE AUGUST 30, 2016 STATEWIDE PRIMARY ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves has adopted Ordinances No. 2016-02, No. 2016-03, and No. 2016-04, authorizing the placement of three charter amendment questions on the ballot for the August 30, 2016 Statewide Primary Election; and,

WHEREAS, paragraph 4(A)(1) of the SOE Agreement states that the Town shall provide ballot language for any ballot questions within a resolution; and,

WHEREAS, the Town Council hereby wishes to adopt Resolution No. 2016-47, in order to provide the ballot language for the three (3) approved ballot questions for the August 30, 2016 Statewide Primary Election, and forward to the Palm Beach County Supervisor of Elections pursuant to the SOE Agreement.

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

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.

Section 2. The Town Council has authorized three (3) referenda questions be placed on the ballot for the August 30, 2016 Statewide Primary Elections.

- a. The ballot language for ballot question #1 is as follows:

AMEND TOWN CHARTER TO AMEND TOWN CANVASSING BOARD MEMBERS AND DUTIES

Should the Town Charter be amended to remove town council members from the canvassing board; designate the members of the town canvassing board as the town clerk and two members to be appointed by the Town Council by resolution; to provide for the filling of vacancies on the canvassing board; and to amend the duties of the canvassing board consistent with the canvassing of elections pursuant to state law?

YES NO

- b. The ballot language for ballot question #2 is as follows:

AMEND TOWN CHARTER RELATING TO TOWN MANAGER CONTRACT, QUALIFICATIONS AND DUTIES

Should the Town Charter be amended to clarify that the town manager may be engaged through an agreement with the town manager or a management firm; to amend the qualifications for the town manager to provide that the qualifications for the town manager may be established by ordinance; and to amend certain duties of the town manager?

YES NO

- c. The ballot language for ballot question #3 is as follows:

AMEND TOWN CHARTER TO DELETE REFERENDUM REQUIREMENT FOR CERTAIN DEBT

The Town Charter currently requires approval by referendum of revenue bonds, lease purchase contracts, or any other unfunded multiyear contracts to purchase real property or construct capital improvements where the repayment term exceeds thirty-six (36) months. Deleting this provision would permit the Town to borrow funds for any lawful government purpose without a referendum unless a referendum is required by state law. Should the Town charter be amended to delete this provision?

YES NO

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RONALD JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS _____ DAY OF JUNE 2016.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Virginia Walton, Town Clerk

Vice-Mayor Tom Goltzené

Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM

Council Member Ryan Liang

Office of the Town Attorney

Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 39

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE RIGHT OF WAY DEEDS AS TO SPECIFIC PARCELS OF “B” ROAD AS DESCRIBED THEREIN FROM LOXAHATCHEE EQUESTRIAN PARTNERS, LLC AND FROM THE DISTRICT BOARD OF TRUSTEES OF PALM BEACH STATE COLLEGE, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town, Loxahatchee Equestrian Partners, LLC, the District Board of Trustees of Palm Beach State College, and Atlantic Land Investments, LLC, entered into a B Road Improvement Agreement to fund and construct improvements to B Road from Southern Boulevard to Okeechobee Boulevard; and,

WHEREAS, pursuant to the terms of the B Road Improvement Agreement, Loxahatchee Equestrian Partners, LLC, the District Board of Trustees of Palm Beach State College, and Atlantic Land Investments, LLC are to dedicate the rights-of-way for the B Road Paved Section to the Town; and,

WHEREAS, Atlantic Land Investments, LLC, has dedicated its portion of the right-of-way for the B Road Paved Section through the Loxahatchee Groves Common Plat, approved by the Town Council, and recorded in the public records of Palm Beach County on March 16, 2016; and,

WHEREAS, Loxahatchee Equestrian Partners, LLC has provided the form of the Right of Way Deed which is attached hereto as Exhibit “A”, in order to effectuate the agreed upon transfer of road right-of-way interests from Loxahatchee Equestrian Partners, LLC to the Town;

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 39

WHEREAS, the District Board of Trustees of Palm Beach State College has provided the form of the Right of Way Deed which is attached hereto as Exhibit “B”, in order to effectuate the agreed upon transfer of road right-of-way interests from the District Board of Trustees of Palm Beach State College to the Town; and

WHEREAS, the Town Council finds it in the best interest of the Town to accept the Right of Way Deeds for specific parcels of “B” Road as described therein, being delivered to the Town from Loxahatchee Equestrian Partners, LLC, and from the District Board of Trustees of Palm Beach State College.

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

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 of Loxahatchee Groves hereby accepts the Right of Way Deed from Loxahatchee Equestrian Partners, LLC, attached hereto as Exhibit “A” for a specific portion of “B” Road as described therein.

Section 3. The Town of Loxahatchee Groves hereby accepts the Right of Way Deed from the District Board of Trustees of Palm Beach State College, attached hereto as Exhibit “B” for a specific portion of “B” Road as described therein

Section 4. The Town Manager and Town Attorney are authorized to take all action necessary to effectuate the intent of this Resolution.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 39

Section 5 All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 7. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida on this _____ day of _____, 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Ron Jarriel

Office of the Town Attorney

Council Member Tom Goltzene

Council Member Ryan Liang

Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 39

EXHIBIT “A”

Right of Way Deed from Loxahatchee Equestrian Partners, LLC

PREPARED BY AND RETURN TO:
Perry & Taylor, P.A.
Attn: Susan L. Taylor, Esq.
4500 PGA Boulevard, Suite 204
Palm Beach Gardens, FL 33418

RIGHT OF WAY DEED

THIS INDENTURE, made this 31st day of March, 2016, by and between:

LOXAHATCHEE EQUESTRIAN PARTNERS, LLC, a Florida limited liability company, having an address of 5730 Corporate Way, Suite 120, West Palm Beach, FL 33407, hereinafter "Grantor",

and

TOWN OF LOXAHATCHEE GROVES, a municipal corporation existing under the laws of the State of Florida, having an address at 155 F Road, Loxahatchee Groves, Florida 33470, hereinafter "Grantee".

WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt of which is acknowledged, has granted, bargained and sold unto the said Grantee, its successors and assigns the following described property for right-of-way, utilities, and the right to provide service to maintain, repair and replace and have access to Town facilities or infrastructure on the property or said right-of-way and utilities, and all other public purposes as Grantee may deem necessary over, along, through, in, above and under that certain parcel of land situated, lying and being in the Town of Loxahatchee Groves, Palm Beach County, Florida, described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

("Grantor" and "Grantee" are used for singular or plural, as context requires.)

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

Subject to taxes for the current year and subsequent years, to zoning restrictions and other requirements imposed by governmental authority, and to easements, conditions, reservations, restrictions and limitations of record.

EXHIBIT "A"

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

WITNESSES:

GRANTOR:

Peggy Cordero
Signature of Witness

LOXAHATCHEE EQUESTRIAN PARTNERS, LLC, a Florida limited liability company

Peggy Cordero
Print Name of Witness

By: Christopher J. Feeney
Name: Christopher J. Feeney
Title: Manager

Amelia B Smith
Signature of Witness

Amelia B Smith
Print Name of Witness

STATE OF NEW YORK)
)ss.
COUNTY OF ERIE)

The foregoing instrument was acknowledged before me this 31st day of March, 2016, by Christopher J. Feeney, as Manager of **LOXAHATCHEE EQUESTRIAN PARTNERS, LLC**, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced _____ as identification.

Terry C. Burton
Print Name: TERRY C. BURTON
Notary Public
State of New York
My Commission Number: 02BU4765550
My Commission Expires: JUNE 29, 2019

(Notary Seal)

TERRY C. BURTON
Notary Public, State of New York
Qualified in Erie County
My Commission Expires JUNE 29, 2019

APPROVED AS TO FORM:

Town Attorney

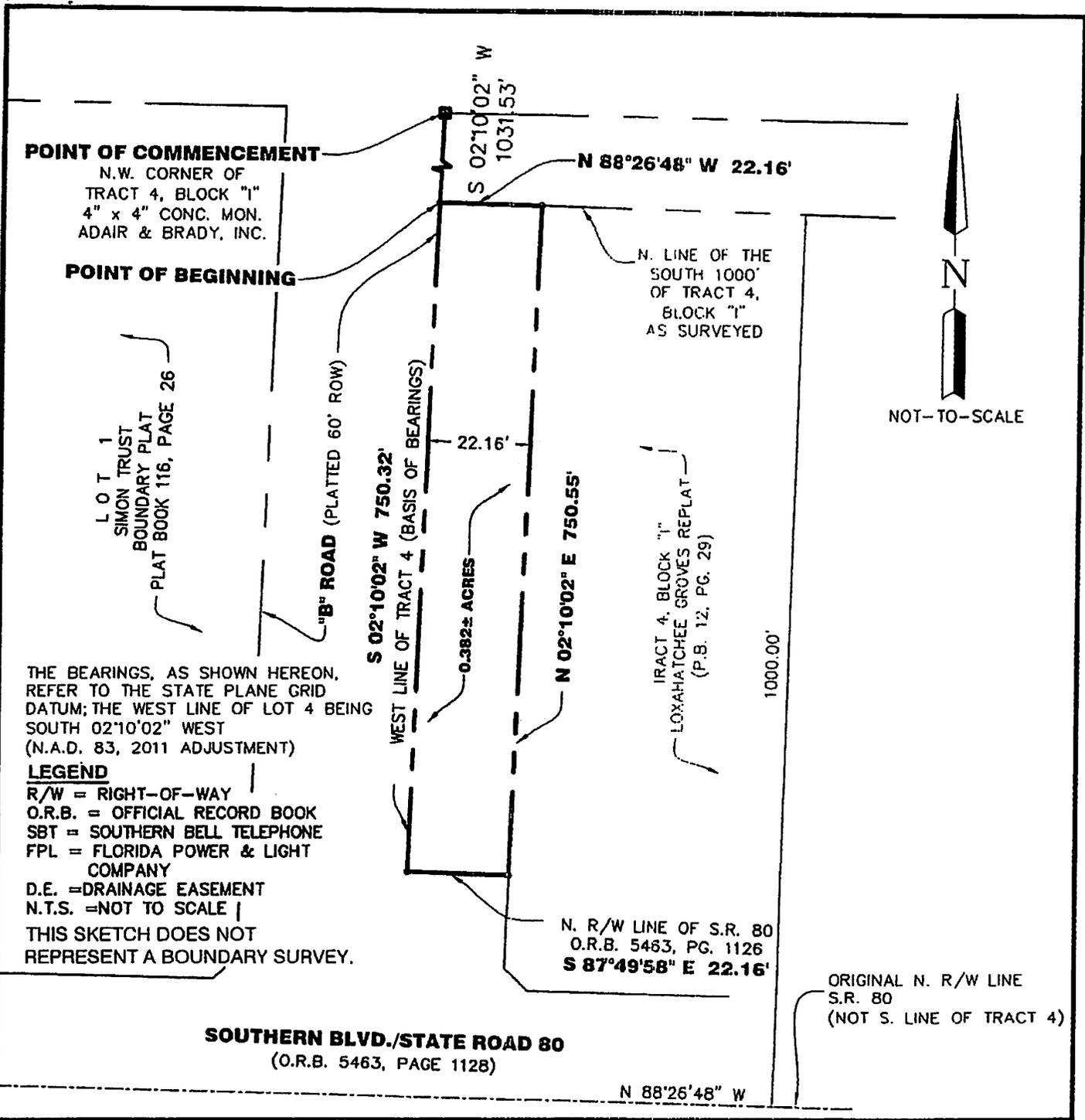
**LEGAL DESCRIPTION
OF
RIGHT-OF-WAY PARCEL FOR B-ROAD
IN TRACT 4, BLOCK "I", LOXAHATCHEE GROVES REPLAT**

Being a 22.16 foot wide parcel lying east of and parallel with the west line of Tract 4, Block "I", LOXAHATCHEE GROVES REPLAT, as recorded in Plat Book 12, Page 29, Public Records of Palm Beach County, Florida, said parcel being in the Town of Loxahatchee Groves and more particularly described as follows:

COMMENCING at the northwest corner of said Tract 4 as marked by a 4"x4" concrete monument set by Adair & Brady, Inc.; thence South 02°10'02" West (State Plane Grid Bearing Datum) along the west line of said Tract 4, a distance of 1031.53 feet to a point on a line known and surveyed as the north line of the south 1000 feet of Tract 4 (as measured from the original north right-of-way line of State Road No. 80), said point being the POINT OF BEGINNING of the parcel described herein; thence continue South 02°10'02" West along the west line of said Tract 4, a distance of 750.32 feet to the northerly right-of-way line of State Road No. 80 as described in the Order of Taking recorded in Official Record Book 5463, Page 1126 of said Public Records; thence South 87°49'58" East along said northerly right-of-way line, 22.16 feet; thence North 02°10'02" East along a line that is 22.16 feet east of and parallel with the west line of Tract 4, a distance of 750.55 feet to said line known and surveyed as the north line of the south 1000 feet of Tract 4; thence North 88°26'48" West along said north line, 22.16 feet to the POINT OF BEGINNING.

Described parcel contains 0.382 acres, more or less.

P:\13023E PBSC B Road Legals\DWG113023C-BNDRY-B Roads Legals.dwg, 2/11/2015 4:56:57 PM, DWG To PDF.pcs



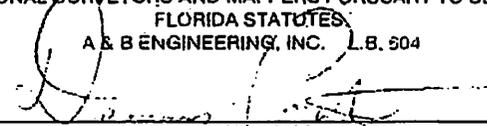
THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE GRID DATUM; THE WEST LINE OF LOT 4 BEING SOUTH 02°10'02" WEST (N.A.D. 83, 2011 ADJUSTMENT)

LEGEND
 R/W = RIGHT-OF-WAY
 O.R.B. = OFFICIAL RECORD BOOK
 SBT = SOUTHERN BELL TELEPHONE
 FPL = FLORIDA POWER & LIGHT COMPANY
 D.E. = DRAINAGE EASEMENT
 N.T.S. = NOT TO SCALE
 THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.029.

SHEET 2 OF 2

FLORIDA STATUTES
 A & B ENGINEERING, INC. L.B. 504

BY: 
 DENNIS PAINTER

REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542
A & B ENGINEERING, INC.
 formerly known as Adair & Brady, Inc.
 CONSULTING ENGINEERS • LAND SURVEYORS
 3460 FAIRLANE FARMS ROAD, SUITE 3
 WELLINGTON, FLORIDA 33414 OFFICE: (561) 583-7480



NOT VALID WITHOUT SURVEYORS SEAL AFFIXED.

SKETCH AND LEGAL DESCRIPTION ADDITIONAL B-ROAD RIGHT-OF-WAY		
DRAWN.FRC	DATE	PROJECT # 13023 E
FIELD:	01/22/15	LS 7258 F
F.B.	SCALE	
PAGE.	NTS	

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 39

EXHIBIT “B”

Right of Way Deed from the District Board of Trustees of Palm Beach State College

PREPARED BY AND RETURN TO:
Tyrone T. Bongard, Esq.
Gunster Yoakley & Stewart, P.A.
777 S. Flagler Drive, Suite 500
West Palm Beach, Florida 33401

Folio No:41-41-43-31-09-000-0010 (Portion)

Space Reserved for Recording Information

RIGHT OF WAY DEED

THIS INDENTURE, made this ____ day of April, 2016, by and between:

THE DISTRICT BOARD OF TRUSTEES OF PALM BEACH STATE COLLEGE, a body corporate created under Florida law, having an address at 4200 S. Congress Avenue, Lake Worth, Florida 33461-4705, hereinafter "Grantor",

and

TOWN OF LOXAHATCHEE GROVES, a municipal corporation existing under the laws of the State of Florida, having an address at 14579 Southern Blvd., Suite 2, Loxahatchee Groves, Florida 33470, hereinafter "Grantee".

WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt of which is acknowledged, has granted, bargained and sold unto the said Grantee, its successors and assigns the following described property for right-of-way, utilities, and the right to provide service to maintain, repair and replace and have access to Town facilities or infrastructure on the property or said right-of-way and utilities, and all other public purposes as Grantee may deem necessary over, along, through, in, above and under that certain parcel of land situated, lying and being in the Town of Loxahatchee Groves, Palm Beach County, Florida, described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

*("Grantor" and "Grantee" are used for singular or plural, as context requires.)

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

Subject to taxes for the current year and subsequent years, to zoning restrictions and other requirements imposed by governmental authority, and to easements, conditions, reservations, restrictions and limitations of record.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

WITNESSES:

GRANTOR:

**THE DISTRICT BOARD OF TRUSTEES OF
PALM BEACH STATE COLLEGE**, a body
corporate created under Florida law

Signature of Witness

By: _____
Wendy S. Link, Chairperson

Printed Name

Signature of Witness

Printed Name

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this _____ day of April, 2016, by Wendy S. Link, as Chairperson of **THE DISTRICT BOARD OF TRUSTEES OF PALM BEACH STATE COLLEGE**, a body corporate created under Florida law, on behalf of the company. She is [] personally known to me or has [] produced _____ as identification.

(Notary Seal/Stamp)

Notary Public – State of Florida
Printed Name: _____
My Commission Expires: _____
My Commission Number: _____

APPROVED AS TO FORM:

Town Attorney

Exhibit "A"

[See attached]

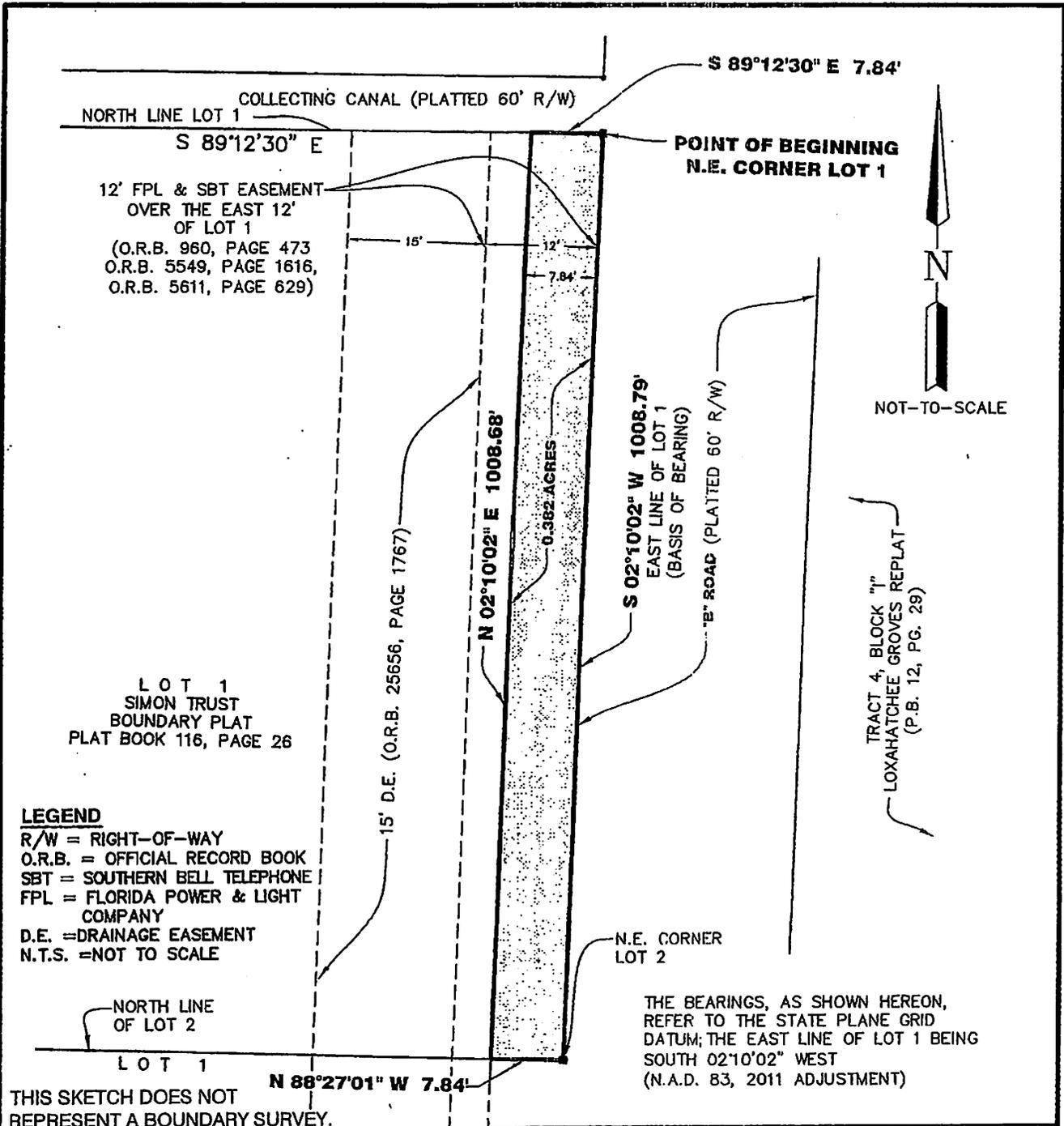
Exhibit "A"

**LEGAL DESCRIPTION
OF
RIGHT-OF-WAY PARCEL FOR B-ROAD
IN LOT 1, SIMON TRUST BOUNDARY PLAT**

Being a 7.84-foot wide parcel lying west of and parallel with the east line of Lot 1, SIMON TRUST BOUNDARY PLAT, as recorded in Plat Book 116, Page 26, Public Records of Palm Beach County, Florida, said parcel being in the Town of Loxahatchee Groves and more particularly described as follows:

BEGINNING at the northeast corner of said Lot 1; thence South 02°10'02" West (State Plane Grid Bearing Datum) along the east line of Lot 1, a distance of 1008.79 feet to the northeast corner of Lot 2 of said plat; thence North 88°27'01" West along the north line of Lot 2, a distance of 7.84 feet; thence North 02°10'02" East along a line that is 7.84 feet west of and parallel with the east line Lot 1, a distance of 1008.68 feet to the north line of Lot 1; thence South 89°12'30" East along the north line of Lot 1, a distance of 7.84 feet to the POINT OF BEGINNING.

Described parcel contains 0.382 acres, more or less.



THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.029, FLORIDA STATUTES.

A & B ENGINEERING, INC. L.B. 604

BY: _____

DENNIS PAINTER
REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542
A & B ENGINEERING, INC.
formerly known as Adair & Brady, Inc.



CONSULTING ENGINEERS • LAND SURVEYORS
3460 FAIRLANE FARMS ROAD, SUITE 3
WELLINGTON, FLORIDA 33414 OFFICE: (561) 383-7480

NOT VALID WITHOUT SURVEYORS SEAL AFFIXED.

SHEET 2 OF 2

SKETCH AND LEGAL DESCRIPTION
ADDITIONAL B-ROAD RIGHT-OF-WAY FOR
PALM BEACH STATE COLLEGE

DRAWN:FRC	DATE	PROJECT # 13023 E
FIELD:	01/22/15	LS 7258 E
F.B.	SCALE	
PAGE:	NTS	

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 40

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE QUIT CLAIM DEED FROM THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT FOR A PORTION OF SOUTH “B” ROAD AS DESCRIBED HEREIN; PROVIDING AUTHORIZATION FOR THE RECORDING OF THE QUIT CLAIM DEED AND TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Loxahatchee Groves Water Control District, an independent special district of the State of Florida (hereinafter “LGWCD”) has certain real property interests and rights in and to a portion of South “B” Road, from Southern Boulevard to Collecting Canal Road, which is a public roadway located within the jurisdictional boundaries of the LGWCD, as described in the Quit Claim Deed attached hereto as Exhibit “A” (hereinafter the “Roadway”), and which is also located within the geographical boundaries of the Town of Loxahatchee Groves, a municipal corporation of the State of Florida (hereinafter the “Town”); and

WHEREAS, the Board of Supervisors of the LGWCD and the Town Council of the Town have agreed to the transfer from LGWCD to the Town of all of the rights and interests the LGWCD has in and to the Roadway as provided herein; and

WHEREAS, the Counsel for the LGWCD and the Counsel for the Town have agreed to the form of the Quit Claim Deed which is attached hereto as Exhibit “A”, in order to effectuate the agreed upon transfer of LGWCD’s road right-of-way interests and rights for the Roadway to the Town, subject to certain conditions as set forth in the Quit Claim Deed relating to LGWCD’s

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 40

continuing ability to carry out its rights and responsibilities as a Water Control District of the State of Florida; and

WHEREAS, the Town Council of the Town hereby finds that it is in the best interests of the Town to accept the attached Quit Claim Deed for the Roadway from the LGWCD, upon authorization of the Board of Supervisors of the LGWCD.

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

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. Upon approval by, and delivery from, the Loxahatchee Groves Water Control District, the Town Council of the Town of Loxahatchee Groves hereby accepts the Quit Claim Deed attached hereto as Exhibit "A" for a portion of South "B" Road as described in the attached Quit Claim Deed.

Section 3. The Town Manager and Town Attorney are authorized to record the subject Quit Claim Deed for the Roadway and to otherwise take all action necessary to effectuate the intent of this Resolution.

Section 4. The Town accepts the responsibility for the construction, operation, maintenance, and repair of the roads and other property described in the attached Quit Claim Deed for the Roadway.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 40

repealed to the extent of such conflict.

Section 6. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 7. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida on this _____ day of _____, 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2016 – 40

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Office of the Town Attorney

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

This instrument prepared by
and return to:

John A. Weig, Esq.
Caldwell Pacetti Edwards Schoech & Viator P.A.
250 South Australian Avenue, Suite 600
West Palm Beach, Florida 33401

DRAFT

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed is being executed on this ____ day of _____, 2016, by the **LOXAHATCHEE GROVES WATER CONTROL DISTRICT, an independent special district of the State of Florida**, whose address is 101 West "D" Road, Loxahatchee, Florida 33470 (hereinafter referred to as the "Grantor"), to the **TOWN OF LOXAHATCHEE GROVES, a municipal corporation of the State of Florida**, whose address is 155 "F" Road, Loxahatchee Groves, Florida 33470 (hereinafter referred to as the "Grantee").

(Whenever used herein, the terms Grantor and Grantee shall include all the parties to this instrument, and their respective heirs, legal representatives, successors, and assigns.)

Witnesseth: That the said Grantor, for and in consideration of the sum of Ten and no/100's Dollars (\$10.00), and other good and valuable considerations, to said Grantor, in hand paid by the said Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby remise, release, and quit-claim unto the said Grantee, and its successors and assigns, forever, all of the right, title, interest, claim, and demand which the Grantor has in and to the following described real property (hereinafter referred to as the "Property"), located in Palm Beach County, Florida, to wit:

See the Legal Description which is contained on **EXHIBIT "A"**
which is attached hereto and incorporated herein by this reference

Subject to all of the Limitations and Conditions and other matters which are listed on **EXHIBIT "B"**
which is attached hereto and incorporated herein by this reference.

To Have and to Hold, the same, together with, all and singular, the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the Grantor, either in law or in equity, subject to the matters referred to herein, to the proper use, benefit and behalf of the Grantee, and its successors and assigns, forever.

In Witness Whereof, the said Grantor has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

LOXAHATCHEE GROVES WATER CONTROL DISTRICT, an independent special district of the State of Florida

Witness Signature

By: _____

_____, Chairman

Print Name

Witness Signature

Print Name

ATTEST:

By: _____

_____, Secretary

(DISTRICT SEAL)

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, as the Chairman, of the **LOXAHATCHEE GROVES WATER CONTROL DISTRICT, an independent special district of the State of Florida**, on behalf of the said District, who () is personally known to me or () has produced _____ as identification.

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____

ACCEPTED BY GRANTEE:

By Resolution of the Town of Loxahatchee Groves,

a municipal corporation of the State of Florida,

under Resolution No. _____, adopted on

the ____ day of _____, 2016.

EXHIBIT "A"
LEGAL DESCRIPTION – South "B" Road

All real property interests and rights owned and held by the Loxahatchee Groves Water Control District, an independent special district of the State of Florida, in and to those certain tracts or areas of land located within and along South "B" Road within that certain "Replat Of Loxahatchee District Subdivision Loxahatchee Groves" as recorded on June 5, 1925, in Plat Book 12, Page 29, of the Public Records of Palm Beach County, Florida, which are described as follows:

- i. That portion of Block "I", between Lots 3 and 4, depicted as "Roads" on said plat, less that portion transferred to the State of Florida by Right Of Way Map, State Road No. 80, Section 93120-2538, dated February 11, 1986.

EXHIBIT "B"
LIMITATIONS AND CONDITIONS

Grantor and Grantee acknowledge, covenant, and agree that this conveyance is being made and given by the Grantor, and is being accepted and received by the Grantee, subject to and subordinate to the following limitations and conditions and other matters listed below:

- 1) This conveyance is subject to all restrictions, reservations, easements, limitations, and all other matters of record, if any, provided that this reference shall not serve to reimpose the same;
- 2) This conveyance is being made without any statutory, express, or implied warranties or guarantees of any nature whatsoever and the acceptance of the Property by the said Grantee shall be without recourse as to the said Grantor;
- 3) This conveyance is being made to the extent that the said Grantor has the legal right and authority to make and grant this conveyance of the Property to the Grantee herein;
- 4) This conveyance is subject to and subordinate to all rights and interests of the Grantor, Loxahatchee Groves Water Control District, an independent special district of the State of Florida, in and to the Property, in order to carry out its rights, responsibilities, and duties under its Enabling Legislation and the laws of the State of Florida;
- 5) This conveyance is subject to and subordinate to, and Grantor specifically reserves for itself, and its successors and assigns, all rights and interests it may have in and to any utilities, improvements, facilities, or any other works which may be located over, upon, under, through, across, or within the Property, including the right to construct, install, maintain, repair, upgrade, improve, remove, operate, and have access to any existing or future utilities, improvements, facilities, or works over, upon, under, through, across, or within the Property. If either Grantor or Grantee wishes to connect to, modify, install any works or facilities therein, or in any other manner to affect or impact any existing or future utilities, improvements, facilities, or works of the other party hereto, then the party seeking to cause such impact shall be required to first request and obtain a permit from the other party hereto prior to the implementation of any such activity or works. If any existing or future facility or improvement of either the Grantor or the Grantee located over, upon, under, through, across, or within the Property is damaged as a result of the other party's usage or exercise of any rights herein granted or otherwise, then the party which caused such damage shall be obligated, at its sole cost and expense, to timely repair and restore the damaged facility or improvements in a proper and competent manner to a condition substantially similar to that which existed prior to such damage;

- 6) This conveyance does not include, is subject to and subordinate to, and Grantor specifically excludes and reserves for itself, and its successors and assigns, all rights, title, and interests it has or may have in and to any canals, drainage ditches, levees, dikes, bridges, pipes, pumps, or any other drainage, water or flood control or management structures, facilities, improvements, or any other works, including any appurtenant utilities, landscaping, irrigation systems, lighting, or other improvements, which may be located over, upon, under, through, across, or within the Property, or located outside of the Property, including the right to construct, install, maintain, repair, upgrade, improve, remove, operate, and have access to any such existing or future canals or water control facilities or other works, located over, upon, under, through, across, or within the Property, or outside of the Property. If Grantee wishes to connect to, modify, install any facilities therein, or in any other manner to affect or impact any such existing or future canals or water control facilities or other works of Grantor, then Grantee shall be required to first request and obtain a permit from Grantor prior to the implementation of any such activity or works. If any such existing or future canals or water control facilities or other works of Grantor located over, upon, under, through, across, or within the Property, or located outside of the Property, are damaged as a result of Grantee's usage or exercise of any rights herein granted or otherwise, then Grantee shall be obligated, at its sole cost and expense, to timely repair and restore the damaged facility or work in a proper and competent manner to a condition substantially similar to that which existed prior to any such damage;
- 7) This conveyance is subject to and subordinate to, and Grantor specifically reserves for itself, and its successors and assigns, all rights, title, and interests it may have in and to the Property, in order to operate, maintain, construct, install, repair, upgrade, improve, remove, and have access to any of its existing or future canals, drainage ditches, levees, dikes, bridges, pipes, pumps, or any other drainage, water or flood control or management structures, facilities, improvements, or any other works, including any appurtenant utilities, landscaping, irrigation systems, lighting, or other improvements, which may be located over, upon, under, through, across, or within the Property, or located outside of the Property, including the right to utilize the Property, have access and ingress and egress to the Property for personnel, machinery, and maintenance equipment, and to temporarily restrict access to the Property to carry out its above-stated responsibilities; and
- 8) The intent and purpose of this conveyance is to convey, assign, and quit-claim all of the District's real property interests and rights to the Town to and for the Property described on Exhibit "A" attached herewith, to the extent that the District has the legal authority to do so, while recognizing and preserving the District's rights and interests in and to the Property, in any utilities or facilities which may be located therein, and in any canals or water control facilities or other works of the District located within or outside of the Property, so that the District can carry out its water control and drainage and other duties and responsibilities in accordance with its Enabling Legislation and the laws of the State of Florida.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2016-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL JANUARY 20, 2017, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR RESCUED ANIMAL CARE FACILITIES WITHIN THE CORPORATE BOUNDARIES OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council believes that the current regulations in the Town's Unified Land Development Code relating to Rescued Animal Care uses should be reviewed and updated; and,

WHEREAS, the adoption of a moratorium on the processing and review of applications for Rescued Animal Care Facilities will provide the Town with time to complete its review of regulations in the Town's Unified Land Development Code relating to such use, and adopt same; and,

WHEREAS, the Town Council believes that it is in the best interest of the Town, and its residents, to review the regulations in the Town's Unified Land Development Code relating to Rescued Animal Care uses consider the need for amendments to the Town's Comprehensive Plan Unified Land Development Code relating to such use; and,

WHEREAS, the Town's Planning and Zoning Board considered this moratorium at its _____, 2016, meeting and recommended that the Town Council approve the moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, THAT:

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 upon adoption hereof.

Section 2. Moratorium Imposed. The Town Council of the Town of Loxahatchee

Groves hereby declares a moratorium on the processing and review of any applications for Rescued Animal Care Facilities, as defined in Section 80-060 of the Town’s Unified Land Development Code, within the corporate boundaries of the Town.

Section 3. Exceptions to Moratorium. The Town Council hereby declares that applications relating to Rescued Animal Care Facilities with an approved special exception use as of June 1, 2016, shall be exempt from the Moratorium.

Section 4. Period of Moratorium. The Town Council of the Town of Loxahatchee Groves hereby declares that the moratorium shall be effective for the period through January 20, 2017, unless otherwise modified by the Town Council by ordinance.

Section 5. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

Section 6. If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING AND PUBLIC HEARING, THIS ___ DAY OF _____, 2016.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2016.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Tom Goltzene

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

Council Member

Town of Loxahatchee Groves, Florida
Local Planning Agency Public Hearing Agenda Item Report
Comprehensive Plan Amendment 16-1
Okeechobee Boulevard Text Amendments

PREPARED BY: | Jim Fleischmann

June 21, 2016

SUBJECT: Okeechobee Boulevard Future Land Use Element Text Amendment 16-1

1. BACKGROUND/HISTORY

History: The Town Council enacted Ordinance 2014-08 (February 3, 2015) enacting a moratorium on commercial Future Land Use Map amendments until May 31, 2015. The moratorium was subsequently extended (Ordinance 2015-05) to December 31, 2015 and June 30, 2016 (Ordinance 2015-08) The purpose of the moratorium is to allow the Local Planning Agency to prepare recommendations and the Town Council adequate time to consider and adopt appropriate Comprehensive Plan amendments regarding land uses, intensity, and of future commercial development activity along Okeechobee Boulevard.

Problem Statement: The Town Council should consider amendments to the Comprehensive Plan regarding future commercial land use and development along Okeechobee Boulevard.

Problem Solution: The Town Council, with input from Staff, Local Planning Agency and the public, should adopt Future Land Use Element Text Amendment 2016-01 revising the Comprehensive Plan to address future commercial development along Okeechobee Boulevard.

2. CURRENT ACTIVITY

The Staff prepared proposed Future Land Use Element amendments and discussed the proposed amendments at a public hearing on May 19, 2016 held by the Local Planning Agency (LPA). The LPA: (1) proposed revisions to the Staff proposal; and (2) recommended an alternative amendment for Council consideration. The Staff proposal, including LPA revisions and the LPA alternative proposal are forwarded to the Town Council for consideration of First Reading of a related ordinance at the Town Council meeting on June 21st. If approved on First Reading, the amendment will be transmitted to the Florida Department of Economic Opportunity and other review agencies for their comments. Pending agency comments, Second Reading of the ordinance by the Town Council can be expected in August 2016.

3. ATTACHMENTS

1. Staff Proposed Future Land Use Element Text Amendment 2016-01
2. Alternative LPA Proposed Future Land Use Element Text Amendment 2016-01
3. Proposed Ordinance 2016-07

4. FINANCIAL IMPACT

Work on this project is funded by Council Work Authorization No. 1215-01

5. RECOMMENDED ACTION

1. Consideration of public comments and Town Council approval, or approval with revisions of Ordinance 2016-07 as proposed by Staff.

ATTACHMENT 1

STAFF PROPOSED FUTURE LAND USE ELEMENT TEXT AMENDMENT 2016-01

1.16 *Objective:*

Insure compatible, commercial low intensity land uses on properties with road frontage on, or direct driveway access to Okeechobee Boulevard.

1.16.1 Policy

For the purposes of this Objective, floor-area-ratio shall be defined as the total gross floor area of all buildings enclosed by four walls and any portion of a structure under a roof and not necessarily enclosed by four walls, divided by the lot or parcel area.

1.16.2 Policy

Commercial uses along Okeechobee Boulevard, as defined in Objective 1.16, shall be limited to Cottage Business-(CB) accessory uses and Small Commercial Business (SCB) principal uses as follows.

a) A Cottage Business accessory use is defined as a commercial activity located within an existing homesteaded residence (Home Office) or within a separate commercial structure accessory to an existing homesteaded residence principal use (Residential Enterprise). A Cottage Business shall comply with the land development regulations of the Town's AR – Agricultural Residential zoning district, and comply with the following performance standards:

i) The maximum floor-area-ratio (F.A.R) of all commercial buildings and structures, as defined in Policy 1.16.1, shall not exceed 0.025.

ii) Employees and/or customers may be allowed at a Cottage Business and shall be determined by the Town Council through the special exception approval process, as detailed in Article 170 *Special Exception Uses* of the Town Unified Land Development Code (ULDC). The Town Council shall include such specific considerations as the nature of the business, parking and loading requirements, peak-hour traffic generation, hours of operation, and noise generation during its deliberations

iii) Existing legal non-conforming lots as of the time of Town incorporation may contain a Cottage Business.

iv) In the event that a property with an approved Cottage Business is sold, the business may continue provided: (1) the business activity is maintained as approved by the Town; and (2) the new owner applies for and receives a homestead exemption.

v). In the event that a property with an approved Cottage Business is sold and the business activity changes or expanded, or a homestead exemption is not procured, one of the following shall occur: (1) the business activity shall cease; (2) a new Cottage Business approval shall be requested; or (3) a rezoning to a commercial zoning district shall be requested.

b) A Small Commercial Business (SCB) use shall consist of one or more commercial businesses on a property subject to an approved site plan. An SCB shall be assigned either Commercial Low (CL) or Commercial Low – Office (CL-O) Future Land Use and zoning designations, and comply with the following performance standards.

i) The minimum parcel size shall be five acres and comply with the remaining land development regulations of the Town’s commercial zoning districts.

ii) Commercial land use and zoning shall not extend to a depth greater than 560 feet north or south of the Okeechobee Boulevard right-of-way.

iii) The maximum floor-area-ratio (F.A.R) of buildings and structures, as defined in Policy 1.16.1, shall not exceed 0.05

iii) An SCB use may include a separate accessory residence either within the principal commercial building or within a separate structure. Such residence shall be included in an SCB F.A.R. calculation.

1.16.3 Policy

An existing legal non-conforming use, as defined and regulated by Section 75-020 of the ULDC, shall be allowed to continue; however, a sales tax report or other documentation approved by the Town Manager may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the Comprehensive Plan and ULDC.

1.16.4 Policy

“Historical Legacy” uses, as defined and regulated by Section 75-035 of the ULDC, shall be allowed to continue however, a sales tax report or other documentation approved by the Town Manager, may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the ULDC.

1.17 Objective:

The Town shall discourage an accumulation of vacant commercial land use designations along Okeechobee Boulevard.

1.17.1 Policy

Implement Future Land Use Amendment requirements and conditions of approval to insure appropriateness and timeliness of a Future Land Use Plan Amendment application.

- a) A Statement of Use and Intent for the proposed use shall be submitted as part of all future land use amendment, rezoning and site plan approval applications. Rezoning and site plan approval applications shall demonstrate compliance with the Statement of Use and Intent.
- b) A Conceptual Master Plan meeting the requirements of Section 41.3.C.2.b of the ULDC, including a TPS review by the County, or its equivalent by the Town consulting engineer shall be a required component of a SCB Future Land Use Amendment application. Rezoning and site plan approval applications shall demonstrate compliance with the Conceptual Master Plan.
- c) The Town shall conduct a 12-month review of the Conceptual Master Plan for approved SCB Future Land Use Amendments to insure timely project implementation.
- d) The Special Policy provisions of Objective 1.15 may be used to impose appropriate conditions of approval upon an SCB application necessary to address use, intensity, timing, compatibility and other relevant issues as determined by the Town Council.

ATTACHMENT 2
PLANNING AND ZONING BOARD ALTERNATIVE RECOMMENDATION
FUTURE LAND USE ELEMENT TEXT AMENDMENT 2016-01

1.16 *Objective:*

Discourage an accumulation of vacant non-residential land use designations and insure compatible, commercial low intensity land uses on properties with road frontage on, or direct access to Okeechobee Boulevard.

1.16.1 Policy

For the purposes of this Objective, floor-area-ratio shall be defined as the total gross floor area of all buildings enclosed by four walls and any portion of a structure under a roof and not necessarily enclosed by four walls divided by the lot or parcel area.

1.16.2 Policy

Commercial uses along Okeechobee Boulevard, as defined in Objective 1.16, shall be limited to Cottage Business (CB) accessory uses as follows.

a) A Cottage Business accessory use is defined as a commercial activity located within an existing homesteaded residence (Home Office) or within a separate commercial structure accessory to an existing homesteaded residence principal use (Residential Enterprise). A Cottage Business shall comply with the land development regulations of the Town's AR – Agricultural Residential zoning district, and comply with the following performance standards:

i) The maximum floor-area-ratio (F.A.R) of all commercial structures shall not exceed 0.05.

ii) Employees and/or customers may be allowed at a Cottage Business and shall be determined by the Town Council through the special exception approval process. The Town Council shall include such specific considerations as the nature of the business, parking and loading requirements, peak-hour traffic generation, hours of operation, and noise generation during its deliberations

iii) Existing legal non-conforming lots as of the time of Town incorporation may contain a Cottage Business.

1.16.3 Policy

An existing legal non-conforming use shall be allowed to continue; however, a sales tax report or other documentation approved by the Town Manager may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the ULDC.

1.16.4 Policy

“Historical Legacy” uses, as defined and regulated by Section 75-035 of the Town Unified Land Development Code, shall be allowed to continue however, a sales tax report or other documentation approved by the Town Manager, may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the ULDC.

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2016-07

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ORDINANCE NO. 2016-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO: ADD OBJECTIVES 1.16 AND 1.17, INCLUDING SUPPORTIVE POLICIES, TO THE TEXT OF THE FUTURE LAND USE ELEMENT RELATING TO OKEECHOBEE BOULEVARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires that each local government prepare a Comprehensive Plan in compliance with the Local Government Comprehensive Planning and Development Act, as amended; 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, adopted a Comprehensive Plan which has been found to be “in compliance” by, the State Department of Community Affairs (DCA); and,

WHEREAS, Section 163.3184, Florida Statutes allows the Comprehensive Plan to be amended in order to further the Town’s planning goals and objectives and address changing conditions; and,

WHEREAS, the Town’s Planning Consultant recommends approval of Town of Loxahatchee Groves Comprehensive Plan as provided herein, through Amendment 2016-01 as set forth in a report to the Town Council, which sets forth findings and recommendations, and which report is incorporated herein; and,

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2016-07

1 **WHEREAS**, the Local Planning Agency and Town Council of the Town of Loxahatchee
2 Groves have conducted the required public hearings on this Amendment to the Town of
3 Loxahatchee Groves adopted Comprehensive Plan; and,

4 **WHEREAS**, the reports, records, and materials from the public hearings to adopt
5 Ordinance 2016-07 are incorporated herein and relied upon by the Town Council to the extent
6 not inconsistent with this Ordinance; and,

7 **WHEREAS**, the Town Council of the Town of Loxahatchee Groves has deemed it to be
8 in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt
9 Amendment 2016-01 to the Town of Loxahatchee Groves Comprehensive Plan in accordance
10 with Chapter 163, Florida Statutes to revise the following elements of the Town of Loxahatchee
11 Groves Comprehensive Plan: Maps Element and Future Land Use Element.

12 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
13 **TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

14 **SECTION 1:** The foregoing “WHEREAS” clauses are hereby ratified and
15 confirmed as being true and correct and are hereby made a specific part of the Ordinance upon
16 adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and
17 made a specific part of this Ordinance.

18 **SECTION 2:** The Town Council approves and adopts the recommendations of
19 the Town’s Planning Consultant, which are incorporated herein.

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TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2016-07

1 **SECTION 3:** In accordance with the requirements of Section 163.3184, Florida
2 Statutes, the Town Council hereby adopts the amended Future Land Use Element text of the
3 Town of Loxahatchee Groves Comprehensive Plan, as set forth in Exhibit “A”, which is attached
4 hereto and incorporated herein by reference.

5 **SECTION 4:** The Town’s Planning Consultant is further authorized and directed
6 to make the necessary textual changes to the Future Land Use Element of the Town of
7 Loxahatchee Groves Comprehensive Plan in order to reflect the above-stated changes consistent
8 with the recommendations of the Town Planning Consultant Report.

9 **SECTION 5:** All Ordinances or parts of Ordinances, and all Resolutions or parts
10 of Resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

11 **SECTION 6:** If any provision of this Ordinance or the application thereof to any
12 person or circumstance is held invalid, such invalidity shall not affect other provisions or
13 applications of this Ordinance that can be given affect without the invalid provision or
14 application, and to this end the provisions of this Ordinance are declared to be severable.

15 **SECTION 7:** This Ordinance shall become effective as provided by law.

16
17 **PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF**
18 **LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 21st DAY OF**
19 **JUNE, 2016.**

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21 **PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN**
22 **LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS**
23 **_____ DAY OF _____, 2016.**

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TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2016-07

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**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Tom Goltzene

Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Todd McLendon

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2016-07

**EXHIBIT A
COMPREHENSIVE PLAN AMENDMENT (CPA) 2016-201
FUTURE LAND USE ELEMENT TEXT AMENDMENT 2016-01**

Words underlined are additions to the current text of the Future Land Use Element of the Comprehensive Plan.

1.16 Objective:

Insure compatible, commercial low intensity land uses on properties with road frontage on, or direct driveway access to Okeechobee Boulevard.

1.16.1 Policy

For the purposes of this Objective, floor-area-ratio shall be defined as the total gross floor area of all buildings enclosed by four walls and any portion of a structure under a roof and not necessarily enclosed by four walls, divided by the lot or parcel area.

1.16.2 Policy

Commercial uses along Okeechobee Boulevard, as defined in Objective 1.16, shall be limited to Cottage Business-(CB) accessory uses and Small Commercial Business (SCB) principal uses as follows.

a) A Cottage Business accessory use is defined as a commercial activity located within an existing homesteaded residence (Home Office) or within a separate commercial structure accessory to an existing homesteaded residence principal use (Residential Enterprise). A Cottage Business shall comply with the land development regulations of the Town's AR Agricultural Residential zoning district, and comply with the following performance standards:

i) The maximum floor-area-ratio (F.A.R) of all commercial buildings and structures, as defined in Policy 1.16.1, shall not exceed 0.025.

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2016-07

ii) Employees and/or customers may be allowed at a Cottage Business and shall be determined by the Town Council through the special exception approval process, as detailed in Article 170 *Special Exception Uses* of the Town Unified Land Development Code (ULDC). The Town Council shall include such specific considerations as the nature of the business, parking and loading requirements, peak-hour traffic generation, hours of operation, and noise generation during its deliberations

iii) Existing legal non-conforming lots as of the time of Town incorporation may contain a Cottage Business.

iv) In the event that a property with an approved Cottage Business is sold, the business may continue provided: (1) the business activity is maintained as approved by the Town; and (2) the new owner applies for and receives a homestead exemption.

v). In the event that a property with an approved Cottage Business is sold and the business activity changes or expanded, or a homestead exemption is not procured, one of the following shall occur: (1) the business activity shall cease; (2) a new Cottage Business approval shall be requested; or (3) a rezoning to a commercial zoning district shall be requested.

b) A Small Commercial Business (SCB) use shall consist of one or more commercial businesses on a property subject to an approved site plan. An SCB shall be assigned either Commercial Low (CL) or Commercial Low – Office (CL-O) Future Land Use and zoning designations and comply with the following performance standards.

i) The minimum parcel size shall be five acres and comply with the remaining land development regulations of the Town's commercial zoning districts.

ii) Commercial land use and zoning shall not extend to a depth greater than 560 feet north or south of the Okeechobee Boulevard right-of-way.

iii) The maximum floor-area-ratio (F.A.R) of buildings and structures, as defined in Policy 1.16.1, shall not exceed 0.05

iii) An SCB use may include a separate accessory residence either within the principal commercial building or within a separate structure. Such residence shall be included in an SCB F.A.R. calculation.

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2016-07

1.16.3 Policy

An existing legal non-conforming use, as defined and regulated by Section 75-020 of the ULDC, shall be allowed to continue; however, a sales tax report or other documentation approved by the Town Manager may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the Comprehensive Plan and ULDC.

1.16.4 Policy

“Historical Legacy” uses, as defined and regulated by Section 75-035 of the ULDC, shall be allowed to continue however, a sales tax report or other documentation approved by the Town Manager, may be required to document that such use has not been abandoned for a period of 180 consecutive days or more. If it is determined that such abandonment has occurred, such use shall conform to the provisions of the ULDC.

1.17 Objective:

The Town shall discourage an accumulation of vacant commercial land use designations along Okeechobee Boulevard.

1.17.1 Policy

Implement Future Land Use Amendment requirements and conditions of approval to insure appropriateness and timeliness of a Future Land Use Plan Amendment application.

- a) A Statement of Use and Intent for the proposed use shall be submitted as part of all future land use amendment, rezoning and site plan approval applications. Rezoning and site plan approval applications shall demonstrate compliance with the Statement of Use and Intent.
- b) A Conceptual Master Plan meeting the requirements of Section 41.3.C.2.b of the ULDC, including a TPS review by the County, or its equivalent by the Town consulting engineer, shall be a required component of a SCB Future Land Use Amendment application. Rezoning and site plan approval applications shall demonstrate compliance with the Conceptual Master Plan.
- c) The Town shall conduct a 12-month review of the Conceptual Master Plan for approved SCB Future Land Use Amendments to insure timely project implementation.
- d) The Special Policy provisions of Objective 1.15 may be used to impose appropriate conditions of approval upon an SCB application necessary to address use, intensity, timing, compatibility and other relevant issues as determined by the Town Council.

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 6/21/2016

Traffic: Staff is working with Minto to draft an agreement between Minto and the Town for the

June 15, 2016	No activity
May 10, 2016	No activity on this item
April 27, 2016	No activity
April 13, 2016	No activity on this item
March 29, 2016	No activity on this item
February 24, 2016	No activity on this item
February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
November 25, 2015	Will be setting a teleconference the week of 11/30/2015
November 13, 2015	Emailed bullets and report to G. Webb
October 29, 2015	Provided J. Easton copy of bullet points and report
October 27, 2015	No activity on this item
October 13, 2015	Telephone call to Mr. George Webb, County engineer, and left a message for a return call.
October 8, 2015	Simmons & White submitted an analysis of the traffic light cost (attached) based on the Minto Proposal.
September 29, 2015	The town's traffic engineer should finish the costing during this week and can be available on the agenda of 10/20/2015.
September 1, 2015	Town traffic engineer determining cost for items not included in the Minto proposal. This is needed in order to determine amount of Town funding needed.
August 25, 2015	Received email and will look to analyzing potential cost to implement light at D Road and Okeechobee. Transmitted information to Town Engineer for very preliminary estimates of cost.
August 12, 2015	No activity on this item
July 15, 2015	No activity on this item
June 30, 2015	No activity on this item
May 11, 2015	No activity on this item
April 15, 2015	This office met with representatives from Minto. Discussion points were covered regarding the proposed funding of the traffic control appurtenances for D Road and Okeechobee. Staff will review the information and report progress at the June 16 Town Council meeting.

Town of Loxahatchee Groves, Florida
Town Council
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April 1, 2015	No activity on this item
March 1, 2015	This office has received communication and we are trying to establish a date and time during the week of March 9 th .
February 10, 2015	No activity on this item
January 26, 2015	No activity on this item
January 14, 2015	No activity on this item
January 26, 2016	Town issued the NTP to WBI CONTRACTING OF PALM BEACH, INC. to remove the damaged culverts, replace and install trail gates. As of this date the project is nearly complete.

Trails: Permit to all non-motorized trails

June 15, 2016	No activity
May 10, 2016	No activity
April 27, 2016	LGWCD has declined to meet with the Palm Beach State College stating they believe the issue is with the Town and potential trail on the property. We have provided a letter from the College's attorney and email on the subject under Councilman Jarriel's reports on 5/3/2016.
April 13, 2016	No activity on this item
March 29, 2016	No activity on this item. Based on discussion at the last IGC meeting, the perpetual permit offered by the LGWCD is not offered in segments. In other words, the Town accepts all the berms for trails or none.
February 24, 2016	No activity
February 10, 2016	No activity on this item
February 8, 2016	Town Council removed trails agenda item and staff requested the LGWCD provide better detail information to Exhibit A of the trail permit

Trails: 6th Court North, Red Clover Nursery

June 15, 2016	No activity
May 10, 2016	No activity on this item
April 27, 2016	No activity
April 13, 2016	No activity on this item
March 29, 2016	No activity
February 24, 2016	No activity
February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item

Town of Loxahatchee Groves, Florida
Town Council
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- December 29, 2015 No activity on this item
- October 12, 2015 Preparing scope of project to survey needed property for trails on 6th Court North
- October 29, 2015 No activity on this item
- September 17, 2015 Met with owners, Denise & Marcel Bosse, of Red Clover Nursery to discuss potential of expanding the trail easement along the northern boundary of their property. The owners were general receptive. I advised the Town would prepare a survey after the Town receives the survey from the LGWCD.
- Roads:** Received a notice from the LGWCDistrict Administrator that West D Road was collapsing into canal
- June 15, 2016 Received a response from the Town's contractor regarding allegations the schaffing into the canal is caused by grading methodology. It is unlikely that grading is the cause of the schaffing. Grading has occurred over the last five (5) months without similar results on this road. The matter is more likely due to bank sloping into the canal.
- Culvert Installation:** A culvert has been placed in the southern B Road canal area.
- June 15, 2016 Staff received indications the portion of B Road near the culvert appears to be washing into the canal. The LGWCD Administrator was notified of the issues and indicated there was no problem.
- Culvert Replacement:** West C Road approximately 500' north of Okeechobee Boulevard replacement
- June 15, 2016 Project completed and closed out.
- March 29, 2016 Construction completed however there is a punch list to be completed before final payment is made.
- February 24, 2016 No activity
- February 12, 2016 Town issued an NTP to the lowest most responsive bidder to correct the emergency temporary repair.
- February 11, 2016 Three bids received for emergency repair.
- February 10, 2016 Prepared bids for replacement of C Road North culvert and contacting owner(s) regarding cost of correction. Bids to be submitted by noon 2/11/2016

Town of Loxahatchee Groves, Florida
Town Council
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Roads/Culvert Replacement: Ordered a review of canal bank erosion as a result of the culvert collapse

June 15, 2016	On a recent drive through the Town it is noted that fill has been added to the western edge of C Road at various locations on the road.
April 13, 2016	During a review of town roads last Friday, it is duly noted that C Road east canal bank had fill material placed on the bank.
March 29, 2016	No activity on this item
February 24, 2016	No activity
February 1, 2016	A report on the road side bank erosion was completed (report attached) and submitted to the LGWCD for their consideration and correction. In a verbal conversation with the administrator, the LGWCD is taking the position that no issue exists and no action is required. From a non-engineering perspective, I think mitigation of the collapse should be immediately forthcoming.

Roads/Culvert Replacement: Attended a meeting at West C Road and Timberlane to meet the District

June 15, 2016	No activity
May 10, 2016	No activity on this item
April 27, 2016	No activity
April 13, 2016	No activity on this item
March 29, 2016	No activity on this item
February 24, 2016	No activity
February 10, 2016	No activity
January 26, 2016	Town Council adopted a culvert replacement policy that can be used for this area of concern.
December 29, 2015	No activity on this item
November 25, 2015	Formulating policy for Council consideration delayed from 11/03/2015 meeting.
October 29, 2015	No activity on this item
October 29, 2015	No activity on this item. Due to return to Council for further consideration.
October 6, 2015	Town Council requested this item for the 10/20/15 agenda for culvert replacement policy postponed to 11/6/15

Town of Loxahatchee Groves, Florida
Town Council
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February 10, 2016 Road south of Okeechobee have been graded and rocked where needed. 161st was completed Saturday 2/6/2016. B Road graded again on 2/10/2016 due to heavy truck traffic

Roads: Professional Services Group, LLC (PSG) has begun road improvements

June 15, 2016 A settlement has been reached and will be reported by the Town Attorney.

May 10, 2016 A Shade session is set for 6:00 P. M. on May 17, 2016

April 27, 2016 A Shade session is set for 6:00 P. M. on May 3, 2016

April 13, 2016 Town was served with a lawsuit due to a breach of contract. Town Council is being requested to have a **shade session**, which is closed to the public, soon to discuss the matter.

March 29, 2016 After further discussion with PSG, the firm agreed to accept \$37,000; however the offer would not be held until the April 5 meeting date of Council consideration. As a result, currently, the Town Attorney is working with the attorney for PSG to resolve the matter.

February 24, 2016 At the 2/16/16 Town Council meeting, Council instructed staff to return to the vendor for further negotiations. Based on a 2/22/2016 teleconference, PSG has agreed to settle all claims including a new \$6,000+ claim for additional work.

February 10, 2016 Received agreement for mutual termination of services.

January 26, 2016 Safety as a priority, PSG started to provide pavement markings on speed humps. As of this date PSG has completed Town OGEM roads (North A, North C, and South C) for approximately 54 speed humps. Additionally, they have installed about 34 of 60 street signs; everything from turn, stop, speed limit, and other signs. Pavement markings on speed humps on North Road, North D, and F Road will begin in the next week.

Finally, PSG will begin a Pilot Program using Asphalt Millings in the next week, weather permitting, on about 1.2 miles of Town Roads which includes road leveling and spreading. Costs for use of asphalt millings including the costs for leveling will not exceed the costs for the per ton charge for road material and labor (\$18.00/ton) currently used on Town Roads.

January 22, 2016 Staff received a complaint regarding speed limit sign as being too fast for her road. She stated that her neighbors wanted her to speak to the Town about removing the sign and possibly replacing it with a 15 or 20 MPH limit.

Town of Loxahatchee Groves, Florida
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Dec-2015 PSG began working on town roads by grading and shaping

Roads: This office has received and will receive requests to perform specific road related tasks, such as

June 15, 2016 No activity

May 10, 2016 No activity

April 13, 2016 Town Council should provide an approved policy by which the Town staff and contractor(s) can undertake additional road specific work.

Roads: This office met with Angela Hendrichsen Sandoval, P. E., PMP, Section Leader, and Ken Mudd,

June 15, 2016 No activity

May 10, 2016 No activity

April 27, 2016 No activity on this item

April 13, 2016 No activity

March 29, 2016 No activity on this item

February 24, 2016 No activity on this item

February 10, 2016 No activity on this item

January 26, 2016 No activity on this item

January 12, 2016 No activity on this item

December 29, 2015 No activity on this item

November 25, 2015 No response as of this date to request for meeting.

November 13, 2015 Email to SFWMD staff to set a meeting.

October 29, 2015 No activity on this item

October 14, 2015 Staff was unable to contact SFWMD to set a meeting to review letter to property owners on 43rd

September 30, 2015 No activity on this item. Staff will reach out to the SFWMD during the week of October 5.

January 26, 2016 Advertisement for a new contractor has been advertised
Town advertised RFP No. 2016-002 RFP Disaster Debris Monitoring Services. Sealed proposals must be received no later than 2:00pm on Wednesday, February 10, 2016. Services required are pre-event, post-event, and other necessary debris monitoring services as needed by the Town as a result of a hurricane or other disaster, as required. This is required due to the existing contract expiration.

Roads: 8th Place North

Town of Loxahatchee Groves, Florida
Town Council
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June 15, 2016

No activity - collecting records per public record request

Staff has worked to locate records requested by Mr. Kurtz, Attorney for Mark Jackson. Records have been transmitted; however, more research and cost would be incurred. Staff presented the Town Attorney with records, some of which date back seven years, and due to the billing methodology at that time, we presume that billing provided by the LGWCD providing for non-district road grading or "courtesy grading" was for all Town roads.

May 3, 2016

The Town Attorney will advise counsel for Mr. Jackson the road is a public road and for Mr. Jackson to remove the pole and gate from hindering vehicular ROW. In the event the items are not moved, staff, under the auspices of the Town Council, will remove the pole and open the gate now hindering access to properties to the north and west on 8th Place North, no later than Friday, May 13, 2017.

Water Utility: Work to avoid Town residents from paying an extra 10% for potable water service to

June 15, 2016

No activity

May 10, 2016

No activity

April 13, 2016

No activity

March 29, 2016

No activity on this item

February 24, 2016

No activity on this item

February 10, 2016

No activity on this item

February 10, 2016

No activity on this item

January 26, 2016

No activity on this item

January 12, 2016

No activity on this item

December 29, 2015

No activity on this item

November 25, 2015

No activity on this item

November 13, 2015

Teleconference with Ed Lowrey; teleconference with Shannon LaRoque RE: funding and large user agreement.

October 29, 2015

Met with Jim Stiles, PBC Utility Director for preliminary discussions.

October 14, 2015

No activity as of this date. Will work to contact PBC utility before the 10/20/15 Town Council meeting.

Financial Software Implementation: Financial Edge software implementation

Town of Loxahatchee Groves, Florida
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MEETING DATE: 6/21/2016

June 15, 2016	Implementation resume upon final reports from Blackbaud.
May 10, 2016	No activity
April 27, 2016	Waiting for Blackbaud contract execution and return
March 29, 2016	Due to delays in the implementation beyond the staff control, Blackbaud has requested a change order in methodology of payment. For specific implementation tasks being completed. The changes orders are being presented at the April 5, 2016 meeting.
February 24, 2016	Staff continues to push the project forward; however, there have been months of inactivity due to Town Council actions. The attached report reflects tasks and items completed or yet to be completed before full implementation can occur

Unauthorized living structures: Pursuant to Town Council instruction, staff initiated action against

May 10, 2016	No activity
April 27, 2016	No activity on this item
July 15, 2015	No activity to report
June 3, 2015	Provided information to the Town planner for thoughts and comments.

3. ATTACHMENTS

Financial Software Project Plan

4. FINANCIAL IMPACT

Not applicable.

5. RECOMMENDED ACTION

Motion to receive and file report.

District 15 Loxahatchee Groves

Monthly Report: May 2016



Calls for Service (self-generated)	Monthly
Business/Residence Checks	54
Traffic Stops	13
Dispatched calls	155
Total	222

Traffic Summary	Monthly
Warnings	10
Citations	3
Totals	13

Summary: During the month, D15 deputies handled (222 total) calls for service. 30 % of calls for service were self-generated.

Part I Crimes Case #'s	Monthly
Murder	0
Sexual Assault	0
Robbery	0
Aggravated Assault	0
Burglary	6
Theft	1
Motor Vehicle Theft	2
Arson	0
Total	9

Summary: There were six (6) Burglaries: (3) Business burglaries, (2) Vehicle burglaries, (1) residential burglary, (2) motor vehicle thefts, and one theft (1).

Burglary: ●21B, 16-076082 On 05-13-16 13295 Southern Blvd. Loxahatchee Groves. John Deere Tractor, case # 16-076082. During the night hours unknown suspects took approx. \$100,000.00 worth of equipment. Crime scene, detective responded. Investigation open.

●21V, 16-077002 On 5-14-16 a burglary to a lawn maintenance trailer was reported, a lock had been tampered with and items inside stolen. No other information.

●21B, 16-079081 On 05-20-16 a delayed theft of lawn equipment to a trailer was reported- trimmers, blowers, edger's and a chainsaw were taken. Prints were taken and evidence collected no other information.

●21B, 16-080177 On 5-20-16 at 3381 C rd. Complainant stated that the perimeter fence on his property was cut and unknown persons gained access to a shed on the property. Unknown persons took numerous lawn equipment that is licensed to his business Abbot and Cobb. No other information at this time.

●21V, 16-083315 On 5-29-16 a delayed report of a burglary to a trailer on the property was reported. Miscellaneous tools were stolen, including 2 nail guns and a belt sander. Prints and evidence collected.

●21R, 16-077037 On 05-07-16 a theft of guitars was reported, victim suspected his family member. Evidence found at a pawn shop to confirm suspect. No other information at this time.

Other cases-

- Sig 7 16-076267. On Friday May 13, 2016, 13:56 hrs. Bystander observed a body floating face down in the canal at the 14900 block of North Road in Loxahatchee Groves. District 15 Deputies and Fire Station 25 personnel responded and discovered the decedent in the canal. The PBSO Marine Unit responded and removed the decedent from the water. There were no signs of outward trauma observed on the decedent's body. CSI processed the scene and collected evidence. Forensic Investigator responded to the scene to conduct the necessary investigation. Victim identified as Steven Casey W/M, 07-03-62. VCD investigation continues.

●S10- Stolen vehicle, on 05-04-16 a John Deere tractor was reported stolen after an employee left the keys in the tractor. Case remains open pending further investigative leads.

●S10- On 05-13-16 the victim reported the theft of his Gold Ford F350 with a New Jersey tag. Case in-active pending further.

●S30- On 05-20-16 A report of a theft to the outside AC unit on a home was reported for a home which is unoccupied and owned by the bank. Nothing further.



Fire Rescue

Chief Jeffrey P. Collins
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Mayor
Mary Lou Berger, Vice Mayor
Hal R. Valeche
Paulette Burdick
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

June 9, 2016

William F. Underwood, II, Town Manager
Town of Loxahatchee Groves
155 F Road
Loxahatchee, FL 33470

Dear Mr. Underwood:

Enclosed is the Response Time Report for the Town of Loxahatchee Groves for the month of May 2016. If you have any questions or concerns, please contact me at 561-308 4103.

Sincerely,

Michael Arena, Battalion Chief
Palm Beach County Fire-Rescue



6/9/2016

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20160501 to 20160531

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Emergency Calls:													
F16074444	21	14TH PL N/CASEY RD	05/01/2016	03:10:00	03:10:21	03:10:26	03:11:18	03:16:46	03:58:17	0:00:26	0:00:52	0:05:28	0:06:46
F16074488	21	SOUTHERN BLVD LOX	05/01/2016		07:17:54	07:18:01	07:18:45	07:24:03	07:26:17	0:00:32	0:00:44	0:05:18	0:06:34
F16074909	21	161ST TER N LOX	05/01/2016	20:56:25	20:57:06	20:57:12	20:58:18	21:08:11	21:53:22	0:00:47	0:01:06	0:09:53	0:11:46
F16076234	21	161ST TER N LOX	05/04/2016	07:44:41	07:44:59	07:45:05	07:45:38	07:54:54	08:20:40	0:00:24	0:00:33	0:09:16	0:10:13
F16076472	20	COLLECTING CANAL RD LOX	05/04/2016	15:36:11	15:36:31	15:36:36	15:37:40	15:44:45	16:15:58	0:00:25	0:01:04	0:07:05	0:08:34
F16076808	20	COLLECTING CANAL RD LOX	05/05/2016		08:14:47	08:15:05	08:15:38	08:20:37	09:28:26	0:00:43	0:00:33	0:04:59	0:06:15
F16077072	21	OKEECHOBEE BLVD/F RD LOX	05/05/2016		16:32:18	16:32:23	16:33:14	16:36:06	17:03:33	0:00:30	0:00:51	0:02:52	0:04:13
F16077435	21	D RD LOX	05/06/2016		10:29:48	10:30:02	10:30:39	10:35:28	11:11:07	0:00:39	0:00:37	0:04:49	0:06:05
F16077484	21	SAN DIEGO DR LOX	05/06/2016		12:07:44	12:07:52	12:08:34	12:13:33	12:58:26	0:00:33	0:00:42	0:04:59	0:06:14
F16077581	21	D RD LOX	05/06/2016	15:30:29	15:31:34	15:32:55	15:33:36	15:37:34	16:17:30	0:02:26	0:00:41	0:03:58	0:07:05
F16077644	21	NORTH RD LOX	05/06/2016		17:08:12	17:08:19	17:09:01	17:15:03	17:53:51	0:00:32	0:00:42	0:06:02	0:07:16
F16077683	21	A RD LOX	05/06/2016		18:34:22	18:34:38	18:35:15	18:41:29	20:00:00	0:00:41	0:00:37	0:06:14	0:07:32
F16078651	21	D RD LOX	05/08/2016	14:05:00	14:05:40	14:05:46	14:06:21	14:14:27	14:39:07	0:00:46	0:00:35	0:08:06	0:09:27
F16078905	20	SOUTHERN BLVD PBC	05/08/2016	23:33:44	23:34:06	23:34:15	23:35:24	23:44:43	00:07:10	0:00:31	0:01:09	0:09:19	0:10:59
F16079291	21	OKEECHOBEE BLVD LOX	05/09/2016		17:08:32	17:08:43	17:09:00	17:13:59	18:41:52	0:00:36	0:00:17	0:04:59	0:05:52
F16079427	21	OKEECHOBEE BLVD/B RD LOX	05/09/2016	21:52:27	21:53:05	21:53:39	21:54:35	22:00:52	00:35:29	0:01:12	0:00:56	0:06:17	0:08:25
F16079512	21	42ND ST N LOX	05/10/2016	05:35:08	05:35:31	05:35:37	05:37:10	05:52:59	06:59:46	0:00:29	0:01:33	0:15:49	0:17:51
F16080423	21	OKEECHOBEE BLVD/FOLSOM RD RPB	05/11/2016	16:40:20	16:42:11	16:43:00	16:43:33	16:46:58	17:06:06	0:02:40	0:00:33	0:03:25	0:06:38
F16080724	21	B RD LOX	05/12/2016		08:01:12	08:01:31	08:02:09	08:05:47	08:47:23	0:00:44	0:00:38	0:03:38	0:05:00
F16081551	21	GLOBAL TRL LOX	05/13/2016		17:02:49	17:02:59	17:03:26	17:11:43	17:54:32	0:00:35	0:00:27	0:08:17	0:09:19
F16082618	21	GLOBAL TRL LOX	05/15/2016	14:52:49	14:53:45	14:54:19	14:54:56	15:08:58	15:14:09	0:01:30	0:00:37	0:14:02	0:16:09
F16083170	21	NORTH RD LOX	05/16/2016		14:26:37	14:27:08	14:27:53	14:35:08	14:39:02	0:00:56	0:00:45	0:07:15	0:08:56
F16083466	21	42ND ST N LOX	05/17/2016	04:20:41	04:21:21	04:21:29	04:22:08	04:35:35	05:10:05	0:00:48	0:00:39	0:13:27	0:14:54
F16084358	26	43RD RD N LOX	05/18/2016		15:06:45	15:06:55	15:07:45	15:13:56	15:19:42	0:00:35	0:00:50	0:06:11	0:07:36
F16085061	21	IAN TRL LOX	05/19/2016	17:46:44	17:47:17	17:47:24	17:48:39	17:57:33	18:40:45	0:00:40	0:01:15	0:08:54	0:10:49
F16088614	20	A RD LOX	05/26/2016	06:15:16	06:15:53	06:15:58	06:17:15	06:23:35	06:47:31	0:00:42	0:01:17	0:06:20	0:08:19
F16088985	21	TANGERINE DR LOX	05/26/2016	19:08:45	19:09:43	19:10:01	19:10:41	19:17:24	19:50:30	0:01:16	0:00:40	0:06:43	0:08:39
F16089117	21	F RD LOX	05/27/2016	01:24:55	01:25:29	01:25:33	01:26:43	01:33:33	02:24:41	0:00:38	0:01:10	0:06:50	0:08:38
F16089192	21	C RD LOX	05/27/2016		07:32:21	07:32:31	07:33:17	07:38:26	08:18:53	0:00:35	0:00:46	0:05:09	0:06:30

Created by Jill Gregory on 10/08/2008 (updated 05/23/2012)

H:\Crystal\CAD\FIRECADARCH\City or Specific Areas\Municipal Response Time NEW 5-23-2012.rpt



6/9/2016

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20160501 to 20160531

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
F16089346	21	SAN DIEGO DR LOX	05/27/2016		13:05:25	13:05:34	13:05:53	13:11:34	13:52:50	0:00:34	0:00:19	0:05:41	0:06:34
F16090170	21	FOX TRL LOX	05/28/2016		23:15:19	23:15:29	23:16:05	23:21:21	00:02:39	0:00:35	0:00:36	0:05:16	0:06:27
F16091154	21	BUNNY LN LOX	05/30/2016		20:42:18	20:42:34	20:43:21	20:44:17	21:01:55	0:00:41	0:00:47	0:00:56	0:02:24
Average Response Times:										0:00:48	0:00:47	0:06:48	0:08:22

Non Emergency Calls:

F16081456	21	NORTH RD/C RD LOX	05/13/2016		13:56:46	13:59:12	13:59:46	14:08:06	14:23:06	0:02:51	0:00:34	0:08:20	0:11:45
F16082769	21	147TH AVE N/NORTH RD LOX	05/15/2016		20:19:21	20:19:29	20:20:16	20:31:25	20:39:41	0:00:33	0:00:47	0:11:09	0:12:29
F16087445	21	E RD LOX	05/24/2016		02:05:35	02:05:42	02:07:35	02:13:45	02:33:31	0:00:32	0:01:53	0:06:10	0:08:35
F16087454	21	E RD LOX	05/24/2016		02:54:27	02:54:34	02:55:54	03:01:25	03:14:17	0:00:32	0:01:20	0:05:31	0:07:23

Corrupt Data:

F16075144	21	OKEECHOBEE BLVD LOX	05/02/2016		09:56:55	09:57:00		09:57:01	10:35:41	Empty Time Fields			
F16077422	20	STATE ROAD 80 LOX	05/06/2016	10:00:35	10:04:43	10:05:21	10:06:04	10:13:35	10:27:14	Possible problem with Received Time			
F16083252	21	NORTH RD LOX	05/16/2016		17:20:32	17:20:41	17:21:25	17:21:24	17:28:56	Enroute Time is greater than Onscene Time			

Total number of Events: 39

*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.



6/9/2016

Palm Beach County Fire Rescue

Loxahatchee Groves - # of Calls by Situation Disp

20160501 to 20160531

<u>Situation Dispatched</u>	<u># of Events</u>
Brush Fires:	5
Difficulty Breathing:	5
Sick Person:	5
Chest Pain:	3
Medical Alarm:	3
Fire Alarms:	2
Police/EOD Assist:	2
Vehicle Accidents:	2
Unconscious:	2
Fall:	2
Overdose/Intoxication:	2
Structure Fires:	1
Cardiac/Respiratory Arrest:	1
Seizure:	1
Diabetic:	1
Traumatic Injuries:	1
179	1
494	1
605	1
Total number of Events:	41



6/9/2016

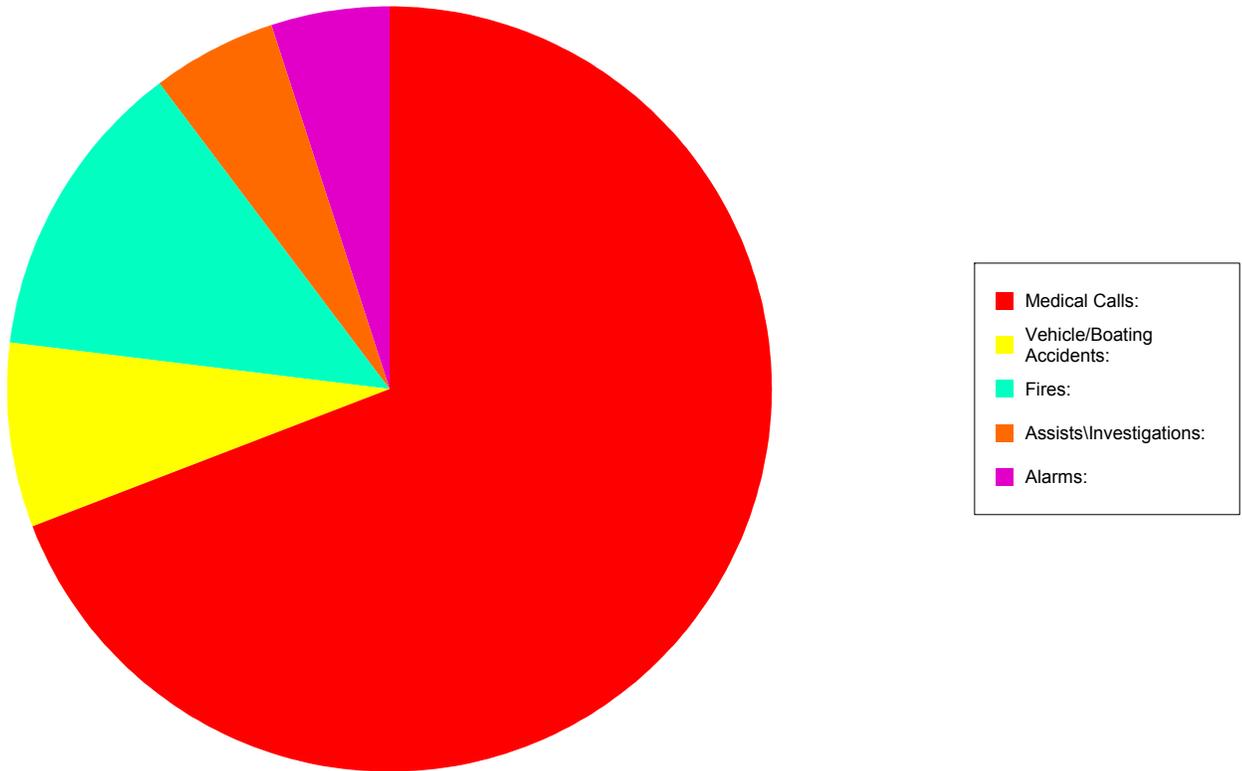
Palm Beach County Fire Rescue

Loxahatchee Groves - # of Calls by Type

20160501 to 20160531

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	27
Vehicle/Boating Accidents:	3
Fires:	5
Assists\Investigations:	2
Alarms:	2
Total number of Events:	39

Calls by Situation Dispatched



TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-32

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AND _____, AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, regular and alternate members of the Town Council are appointed pursuant to Ordinance 2011-011, which was amended by Ordinance 2012-02, to allow alternate members of the Planning and Zoning Board to participate in any matter coming before the Board at a meeting at which the alternate member attends, and by Ordinance 2015-02, to amend the terms of regular members of the Planning and Zoning Board to be one (1) year terms; and,

WHEREAS, on April 19, 2016, the Town Council adopted Resolution No. 2016-32, appointing five regular members to the Planning & Zoning Board; and

WHEREAS, there remains two alternate member positions remaining to be filled; and

WHEREAS, the Town Council finds it in the best interests of the Town to complete this Board by the appointment of the remaining two alternate members to the Planning and Zoning Board for terms to correspond with the one (1) year term of the regular members, and to make such appointments for the upcoming year at this time.

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

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.

Section 2. The Town Council hereby appoints the following persons to serve as alternate member of the Town's Planning and Zoning Board for a term to correspond with the one (1) year term of the regular members:

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE
GROVES, FLORIDA, THIS ___ DAY OF MAY 2016.**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

Virginia Walton, Town Clerk

Vice-Mayor Tom Goltzené

APPROVED AS TO LEGAL FORM:

Council Member Ron Jarriel

Council Member Ryan Liang

Office of the Town Attorney

Council Member Todd McLendon

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-33

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Resolution 2009-008, adopted on May 19, 2009, established the Town of Loxahatchee Groves Finance Advisory Board; and

WHEREAS, Resolution 2009-014, adopted on July 21, 2009, renamed the Town's Finance Advisory Committee to the Finance and Audit Committee (FAAC), and provided for terms of voting members to run concurrently with the term of the appointing Council Member; and,

WHEREAS, Resolution 2016-24, adopted on April 19, 2016, amended the duties, term of members, meetings and Town Staff support for the Finance Advisory and Audit Committee; and

WHEREAS, on April 19, 2016, the Town Council adopted Resolution No. 2016-22, appointing four voting members to the Finance Advisory and Audit Committee; and

WHEREAS, there remains one voting member position remaining to be filled; and

WHEREAS, the Town Council finds it in the best interests of the Town to complete this Committee by the appointment of the remaining voting member to the Finance Advisory and Audit Committee for a term to correspond with the terms of the voting members appointed on April 19, 2016, and to make such appointment for the upcoming year at this time.

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

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.

Section 2. The Town Council hereby appoints the following person to serve as a voting member of the Town's Finance Advisory and Audit Committee (FAAC) for a term to correspond with the terms of the voting members appointed on April 19, 2016:

Council Member Ryan Liang appoints _____.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE
GROVES, FLORIDA, THIS ____ DAY OF MAY 2016.**

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor David Browning

Virginia Walton, Town Clerk

Vice-Mayor Tom Goltzené

APPROVED AS TO LEGAL FORM:

Council Member Ron Jarriel

Council Member Ryan Liang

Office of the Town Attorney

Council Member Todd McLendon

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-35

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, AS A REGULAR VOTING MEMBER, AND APPOINTING _____ AS AN ALTERNATE MEMBER OF THE TOWN'S ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Resolution 2016-28, adopted on April 19, 2016, re-established and set forth the duties of the Town of Loxahatchee Groves ULDC Committee; and

WHEREAS, the Town Council adopted Resolution No. 2016-31, appointing four regular members and one alternate member to the ULDC Advisory Committee, for terms to expire on the sunset date of December 31, 2016; and

WHEREAS, there remains one regular member and one alternate member position remaining to be filled; and

WHEREAS, the Town Council finds it in the best interests of the Town to complete this Committee by the appointment of the remaining regular and alternate members to the ULDC Advisory Committee for terms to expire on the sunset date of December 31, 2016, and to make such appointments for the upcoming year at this time.

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

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.

Section 2. The Town Council hereby appoints the following persons to serve as voting members of the Town's ULDC Committee (ULDC) for a term to expire on 12/31/2016:

Council Member Ryan Liang appoints _____.

Section 3. The Town Council hereby appoints the following person to serve as an alternate member of the Town’s ULDC Committee for a term to expire on the sunset date of 12/31/2016:

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE
GROVES, FLORIDA, THIS ___ DAY OF MAY 2016.**

TOWN OF LOXAHATCHEE
GROVES,
FLORIDA

ATTEST:

Virginia Walton, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor David Browning

Vice-Mayor Tom Goltzené

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

Town of Loxahatchee Groves, FLORIDA

Town Council AGENDA ITEM REPORT

AGENDA ITEM NO.

MEETING DATE: 06/21/2016

PREPARED BY: William F. Underwood, II

SUBJECT: Speed Limit Reduction on Folsom Road

1. BACKGROUND/HISTORY

Problem Statement: Reduce the speed limit on Folsom Road within the Town.

Problem Solution: Provide the Council with appropriate legislation to reduce the speed limit.

The Council has expressed a desire to reduce the speed limit on Folsom Road from the current forty (40) miles per hour and asked staff to prepare enabling legislation to implement a reduced speed limit. Pursuant to section 316.006(2), Florida Statutes, a chartered municipality has original jurisdiction over all streets and highways located within their boundaries, except for state roads, and the Florida Attorney General, in Opinion 2001-06, confirmed this authority includes setting speed limits on county roads within a municipality.

2. CURRENT ACTIVITY

Staff has prepared a resolution that provides for the Town staff to with Palm Beach County to implement and enforce a speed limit of thirty (30) mile per hour. This is provided for in accordance with sections 316.183 and 316.189, Florida Statutes, municipal speed limits, as well as the speed limits on county maintained roads in residential and business districts, are set at 30 miles per hour.

3. ATTACHMENTS

Resolution 2016-45

Florida Attorney General Opinion 2001-06

4. FINANCIAL IMPACT

Not applicable

5. RECOMMENDED ACTION

Motion to adopt resolution 2016-45.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-45

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO REDUCE THE SPEED LIMIT ON FOLSOM ROAD FROM 40 MILES PER HOUR TO 30 MILES PER HOUR; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THIS RESOLUTION; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Folsom Road is a county road located within the Town's jurisdictional limits; and

WHEREAS, section 316.006(2), Florida Statutes, provides that chartered municipalities have original jurisdiction over all streets and highways located within their boundaries, except for state roads, and the Florida Attorney General, in Opinion 2001-06, confirmed this authority includes setting speed limits on county roads within a municipality; and

WHEREAS, in accordance with sections 316.183 and 316.189, Florida Statutes, municipal speed limits, as well as the speed limits on county maintained roads in residential and business districts, are set at 30 miles per hour; and

WHEREAS, pursuant to its statutory authority, the Town has jurisdiction over Folsom Road; and

WHEREAS, the Town finds that the safety, health and welfare of motorists, bicyclists, and pedestrians in the Town would be enhanced if the speed limit on Folsom Road, which is in a residential district in the Town, is reduced from the current forty (40) miles per hour posted speed limit to thirty (30) miles per hour posted speed limit in accordance with sections 316.183 and 316.189, Florida Statutes; and

WHEREAS, the Town Council of the Town hereby finds that it is in the best interests of the town to set the maximum speed limit on Folsom Road to thirty (30) miles per hour.

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

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. It is hereby determined that the maximum speed limit on Folsom Road is thirty (30) miles per hour.

Section 3. The Town Manager is authorized to take all necessary actions to implement this Resolution, including coordinating with Palm Beach County on the placement of the signage along Folsom Road to reflect the speed limit of thirty (30) miles per hour.

Section 4. Any person found guilty of violating the speed limits established by this Resolution shall be punished according to the provisions of Chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law, Section 316.665, Penalties, and Chapter 318, Disposition of Traffic Infractions.

Section 5. The speed limits established herein shall not take effect until the said signs have been placed on Folsom Road as described in Section 3 of this Resolution.

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

Section 7. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 8. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF JUNE 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Office of the Town Attorney

Council Member Ron Jarriel

Council Member Todd McLendon

Council Member Ryan Liang

Florida Attorney General Advisory Legal Opinion

Number: AGO 2001-06

Date: February 12, 2001

Subject: Municipality establishing speed limit on county road

Mr. Paul R. Gougelman, III
Town of Indialantic Attorney
1825 Riverview Drive
Melbourne, Florida 32901

RE: MUNICIPALITIES--COUNTIES--TRAFFIC CONTROL--ROADS--authority of municipality to establish 30 miles per hour speed limit on county maintained road located within municipality. ss. 316.006, 316.008, 316.183, 316.189, Fla. Stat.

Dear Mr. Gougelman:

You ask substantially the following question:

Does a municipality have the authority to set a 30 miles per hour speed limit on that portion of a county road that runs through a residential district and is located within the municipality?

In sum:

A municipality has the authority to set a 30 miles per hour speed limit on that portion of a county road that runs through a residential district and is located within the municipality.

According to your letter, the Town of Indialantic is interested in reducing the speed limit on a road that traverses a single-family residential neighborhood. Currently the speed limit is posted at 35 miles per hour, presumably by the county that apparently owns the roadway. The county attorney has advised the town that it has the authority to change the speed limit. You have advised this office that the Town of Indialantic is a chartered municipality.

Chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law, was enacted to "make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities." [1] The purpose of the act was to eliminate the "hodgepodge of ordinances which vary as to language and penalty," resulting in an inconvenience and hazard to travelers. [2]

The provisions of Chapter 316, Florida Statutes, are "applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized." [3] This office has previously stated that Chapter 316, Florida Statutes, operates to prohibit any local legislation on traffic control or the enforcement thereof under the police power of a municipality, except as may be expressly authorized by the Uniform Traffic Control Law. [4]

Section 316.006(2)(a), Florida Statutes, provides:

"Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic." [5] (e.s.)

In contrast, section 316.006(3)(a), Florida Statutes, provides that "[c]ounties shall have original jurisdiction over all streets and highways located within their boundaries, except all state roads and those streets and highways specified in subsection (2)" (e.s.) In considering the application of section 316.006, the court in *State v. Williams* [6] stated that the statute vests exclusive jurisdiction in the various governmental entities enumerated, in that case the State, through the Department of Transportation, for the establishment of traffic control devices, speed limits, signs, etc., on state roads.

In enacting Chapter 316, Florida Statutes, the Legislature recognized that there are conditions that require municipalities to pass certain traffic ordinances regulating municipal traffic that are not required to regulate the movement of traffic outside of municipalities. [7] Section 316.008, Florida Statutes, expressly recognizes areas in which local authorities may exercise control with respect to the streets and highways under their jurisdiction and within the reasonable exercise of the police power. Among those areas enumerated is the power to alter or establish speed limits within the provisions of Chapter 316. [8]

Section 316.183(2), Florida Statutes, provides:

"On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The minimum speed limit on all highways that comprise a part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 miles per hour." (e.s.)

Moreover, section 316.189(1), Florida Statutes, provides in part that the maximum speed within any municipality is 30 miles per hour, although a municipality may set speed zones altering the speed limit, both as to maximum and minimum, after an investigation determines that such a limit is reasonable. Similarly, section 316.189(2), Florida Statutes, provides that the maximum speed on any county maintained road in a business or residence district is 30 miles per hour. "Residence district" is defined by section 316.003(38), Florida Statutes, as

"The territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business."

While the county may have maintenance responsibility over the road as a county road, the above statutes indicate that the town, as a chartered municipality, has jurisdiction to control traffic over that portion of the road located within the boundaries of the municipality. Moreover, an examination of Chapter 316, Florida Statutes, clearly indicates that the

speed limit on a local road or highway within a residence district, whether within a municipality or county, is generally 30 miles per hour.[9]

Accordingly, I am of the opinion that a municipality has the authority to set a 30 miles per hour speed limit on that portion of a county road that runs through a residential district and is located within the municipality.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tjw

[1] Section 316.002, Fla. Stat.

[2] See the preamble to Ch. 71-135, Laws of Florida, creating Ch. 316, Fla. Stat.

[3] Section 316.007, Fla. Stat. See s. 316.002, Fla. Stat., stating that it is unlawful for any local authority to pass or attempt to enforce any ordinance in conflict with the provisions of Ch. 316, Fla. Stat.

[4] See, e.g., Ops. Att'y Gen. Fla. 98-62 and 98-15 (1998).

[5] See generally s. 316.003(23), Fla. Stat., defining "Official Traffic Control Devices," for purposes of Chapter 316, Florida Statutes, to include "[a]ll signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic."

[6] 303 So. 2d 74, 75 (Fla. 3d DCA 1974).

[7] Section 316.002, Fla. Stat.

[8] Section 316.008(1)(j), Fla. Stat.

[9] See s. 316.183(2), Fla. Stat. (with respect to a residence district, a county or municipality may set a maximum speed of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable); s. 316.189(1), Fla. Stat. (while maximum speed within municipality is 30 miles per hour, a municipality may, with respect to residence districts, set a maximum speed of 20 or 25 miles per hour on local streets or highways after an investigation); s. 316.189(2), Fla. Stat. (while maximum speed in a business or residence district is 30 miles per hour, a county may set on a county maintained road a maximum speed limit of 25 miles per hour in residence districts after an investigation that such speed is reasonable).

Town of Loxahatchee Groves, FLORIDA

Town Council AGENDA ITEM REPORT

AGENDA ITEM NO.

MEETING DATE: 06/21/2016

PREPARED BY: William F. Underwood, II

SUBJECT: Speed Limit Reduction on Okeechobee Boulevard

1. BACKGROUND/HISTORY

Problem Statement: Reduce the speed limit on Okeechobee Boulevard within the Town.

Problem Solution: Provide the Council with appropriate legislation to reduce the speed limit.

The Council has expressed a desire to reduce the speed limit on Okeechobee Boulevard from the current forty-five (45) miles per hour and asked staff to prepare enabling legislation to implement a reduced speed limit. Pursuant to section 316.006(2), Florida Statutes, a chartered municipality has original jurisdiction over all streets and highways located within their boundaries, except for state roads, and the Florida Attorney General, in Opinion 2001-06, confirmed this authority includes setting speed limits on county roads within a municipality.

2. CURRENT ACTIVITY

Staff has prepared a resolution that provides for the Town staff to with Palm Beach County to implement and enforce a speed limit of thirty (30) mile per hour. This is provided for in accordance with sections 316.183 and 316.189, Florida Statutes, municipal speed limits, as well as the speed limits on county maintained roads in residential and business districts, are set at 30 miles per hour.

3. ATTACHMENTS

Resolution 2016-46

Florida Attorney General Opinion 2001-06 (See Resolution No. 2016-45 – Folsom Rd. Speed Limits)

4. FINANCIAL IMPACT

Not applicable

5. RECOMMENDED ACTION

Motion to adopt Resolution 2016-46.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-46

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO REDUCE THE SPEED LIMIT ON OKEECHOBEE BOULEVARD FROM 45 MILES PER HOUR TO 30 MILES PER HOUR; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THIS RESOLUTION; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Okeechobee Boulevard is a county road located within the Town's jurisdictional limits; and

WHEREAS, section 316.006(2), Florida Statutes, provides that chartered municipalities have original jurisdiction over all streets and highways located within their boundaries, except for state roads, and the Florida Attorney General, in Opinion 2001-06, confirmed this authority includes setting speed limits on county roads within a municipality; and

WHEREAS, in accordance with sections 316.183 and 316.189, Florida Statutes, municipal speed limits, as well as the speed limits on county maintained roads in residential and business districts, are set at 30 miles per hour; and

WHEREAS, pursuant to its statutory authority, the Town has jurisdiction over Okeechobee Boulevard; and

WHEREAS, the Town finds that the safety, health and welfare of motorists, bicyclists, and pedestrians in the Town would be enhanced if the speed limit on Okeechobee Boulevard which is in a residential district in the Town, is reduced from the current forty-five (45) miles per hour posted speed limit to thirty (30) miles per hour posted speed limit in accordance with sections 316.183 and 316.189, Florida Statutes; and

WHEREAS, the Town Council of the Town hereby finds that it is in the best interests of the town to set the maximum speed limit on Okeechobee Boulevard within the Town to thirty (30) miles per hour.

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

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. It is hereby determined that the maximum speed limit on Okeechobee Boulevard is thirty (30) miles per hour.

Section 3. The Town Manager is authorized to take all necessary actions to implement this Resolution, including coordinating with Palm Beach County on the placement of the signage along Okeechobee Boulevard to reflect the speed limit of thirty (30) miles per hour.

Section 4. Any person found guilty of violating the speed limits established by this Resolution shall be punished according to the provisions of Chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law, Section 316.665, Penalties, and Chapter 318, Disposition of Traffic Infractions.

Section 5. The speed limits established herein shall not take effect until the said signs have been placed on Okeechobee Boulevard as described in Section 3 of this Resolution.

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

Section 7. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 8. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ___ DAY OF JUNE 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Office of the Town Attorney

Council Member Ron Jarriel

Council Member Todd McLendon

Council Member Ryan Liang

Town of Loxahatchee Groves, Florida
Town Council Agenda
AGENDA ITEM REPORT
ITEM NO. 8f

MEETING DATE: ~~5/17/2016~~ June 21, 2016

PREPARED BY: William F. Underwood, II

SUBJECT: Town Surplus Cash Investment Options

1. BACKGROUND/HISTORY

Legislative Update: At the May 17, 2016, Town Council meeting, staff and Town Attorney were authorized to prepare appropriate resolution(s) for Council consideration at a future meeting. Staff and Town Attorney have prepared resolution for Council consideration to authorize investment of surplus funds.

RECOMMENDED ACTION:

Motion to approve Resolution No. 2016-48 with Florida Municipal Investment Trust – Florida League of Cities

Motion to authorize the Mayor and Town manager to execute all necessary documents to consummate the creation and invest of town surplus funds with the Florida Local Government Investment Trust – Florida Court Clerks and Comptrollers and Association of Counties

Problem Statement: Town Council wants to review investment programs recommended by the FAAC.

Problem Solution: Town enters into investment opportunities recommended by the FAAC which is the Florida Municipal Investment Trust and the Local Government Investment Trust.

2. CURRENT ACTIVITY

FAAC Committee made a recommendation for a total investment of 2.5 million dollars. A \$500,000 investment in Florida Local Investment Trust; and a total of 2 million dollars in Florida Municipal Investment Trust, with 1.7 million in 0 to 2 year bond fund and \$300,000 in 1 to 3 year bond fund.

3. ATTACHMENTS

Resolution No. 2016-48

4. FINANCIAL IMPACT

Unknown improved investment earnings.

5. RECOMMENDED ACTION

Motion authorizing Staff to bring forward resolutions for the Town to enter into investment opportunities for one or both FAAC recommendations.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-48

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN OF LOXAHATCHEE GROVES, FLORIDA TO JOIN WITH OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MUNICIPAL INVESTMENT TRUST FOR THE PURPOSE OF PURCHASING SHARES OF BENEFICIAL INTEREST IN THE TRUST; PROVIDING FOR FINDINGS; ADOPTING THE FLORIDA MUNICIPAL INVESTMENT TRUST AGREEMENT AND DECLARATION OF TRUST, AS AMENDED, REFERENCED HEREIN; DESIGNATING AND AUTHORIZING THE MAYOR AND TOWN MANAGER TO EXECUTE SUCH APPLICATIONS AND OTHER DOCUMENTS AS ARE REQUIRED TO INVEST AND REINVEST SURPLUS FUNDS OF THE TOWN IN SHARES OF BENEFICIAL INTEREST OF THE TRUST'S INVESTMENT PORTFOLIOS; DIRECTING THE TOWN CLERK TO PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Sec. 163.01, Fla. Stat., authorizes the state, or any county, municipality or political subdivision of the state, to jointly exercise any power, privilege, or authority which such governmental entities share in common and which each might exercise separately, and further provides such authority is in addition to and not in limitation of those granted by any other general, local, or special law; and

WHEREAS, by Resolutions dated the 27th day of January, 1993, the 25th day of January, 1993, and the 14th day of January, 1993, the governing bodies of the City of Bradenton, Florida, the City of Lauderhill, Florida, and the City of Palatka, Florida, respectively, found the creation of the Florida Municipal Investment Trust serves a municipal purpose and will offer diversified and professionally managed portfolios for the investment of the assets of participating municipalities and other agencies or political subdivisions in or of the state; and

WHEREAS, the authorized representatives for the City of Bradenton, Florida, the City of Lauderhill, Florida, and the City of Palatka, Florida, have executed the Agreement and

Declaration of Trust on the 28th day of April, 1993, creating the Florida Municipal Investment Trust which governs the purpose, administration and operation of the Trust and its activities; and

WHEREAS, the constitutional, statutory and judicial authorities in the State of Florida authorize municipalities and other agencies or political subdivisions in or of the state to join with other municipalities and other agencies or political subdivisions in or of the state for the purpose of investing and reinvesting surplus public funds; and

WHEREAS, under the terms and provisions of the Agreement and Declaration of Trust creating the Florida Municipal Investment Trust any municipality and any other agency or political subdivision in or of the state desiring to participate in the Trust as a member must become a party to the Agreement and Declaration of Trust; and

WHEREAS, the Florida Municipal Investment Trust is an authorized investment under Section 218.415, Fla. Stat., for units of local government in Florida; and

WHEREAS, it is the intent of the Town to participate in the Florida Municipal Investment Trust as a member and become a party to the Agreement and Declaration of Trust;

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

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 finds that participation in the Florida Municipal Investment Trust, a pooled-investment program, would be in the best interest of the Town, its officials, officers, and citizens in that such a program offers diversified and professionally managed portfolios to meet investment needs, results in economies of scale

that will create greater purchasing powers and will thereby lower the cost traditionally associated with the investment of assets of the Town.

Section 3. The Town Council of the Town of Loxahatchee Groves hereby expressly authorizes participation by the Town in the Florida Municipal Investment Trust as a member and will become a party to the Agreement and Declaration of Trust, as amended, which is adopted by reference with the same effect as if it had been set out verbatim in this section.

Section 4. The Town is hereby expressly authorized to purchase shares of beneficial interest in the Trust from time to time with available funds, and to redeem some or all of its shares of beneficial interest from time to time as funds are needed for other purposes, subject to the terms and restrictions of the Agreement and Declaration of Trust referred to in Section 2 and the most recent Informational Statement. These actions are to be taken by the officers designated for this purpose pursuant to Section 7 and other general or specific instructions by the Town Council.

Section 5. The Trustees of the Trust are designated as having official custody of the Town's funds which are invested by the purchase of shares of beneficial interest in the Trust.

Section 6. The Town Council specifically finds and determines the following matters:

- (a) the conditions of the agreement and the rights and responsibilities of members of the Trust are set forth in the Agreement and Declaration of Trust, as amended and in the most recent Informational Statement;
- (b) participation in the Trust shall be terminable at any time by the Town Council, subject to the terms and restrictions of the Agreement and Declaration of Trust, as amended and the most recent Informational Statement;
- (c) the Agreement and Declaration of Trust, as amended, and the purchase of its shares of beneficial interest are for the purpose of investing the Town's funds as part of a pooled-investment program with other agencies or political subdivisions in or of the state, thereby achieving economic and other advantages of pooled investments, and the powers and scope of authority delegated are set forth in the Agreement and Declaration of Trust, as amended;

- (d) it is not necessary to finance the agreement authorized herein from funds of the Town, except through the purchase of shares of beneficial interest in the Trust;
- (e) the Trust shall be managed by a Board of Trustees as set forth in the Agreement and Declaration of Trust, as amended; and
- (f) the Board of Trustees of the Florida Municipal Investment Trust has provided for general disclosure policies of the Trust's operations and Informational Statements for the benefit of members and prospective members of the Trust so that members and prospective members are fully aware of significant investment and administrative policies, practices and restrictions of the investment portfolios of the Trust.

Section 7. The Town Council designates and authorizes the Mayor and Town Manager to execute such applications and other documents as are required to invest and reinvest surplus funds of the Town in shares of beneficial interest of the Trust's investment portfolios.

Section 8. The Town Clerk is hereby directed to furnish a certified copy of this Resolution to the Florida League of Cities.

Section 9. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RONALD JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS _____ DAY OF JUNE 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Virginia Walton, Town Clerk

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Office of the Town Attorney

Council Member Ron Jarriel

Council Member Todd McLendon

Council Member Ryan Liang

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT
AGENDA ITEM NO. 9a
MEETING DATE: 06/21/2016

PREPARED BY: William F. Underwood, II

SUBJECT: Road Prioritization Policy

1.BACKGROUND/HISTORY

Problem Statement: The Town Council does not have a policy that identifies the prioritization of road improvements within the Town owned roads.

Problem Solution: Provide Council with a policy for consideration in the Town Council establishment of a road improvement prioritization policy.

At the April 9, 2014 Town Council meeting, staff presented Council with a proposed draft policy to establish a methodology to prioritize which roads will received improvements. The Council took no action at that time; however, since then road improvements has continued to be at the forefront of our citizens concern.

2.CURRENT ACTIVITY

The Town Council has appropriated \$1 million for road and \$1.15 million for road drainage improvements during this fiscal year ending September 30, 2016. Several items are prerequisite to spending the budget should be determined prior to making the community improvements.

For instance, prior to making any investment in road improvements, the Town Council and landowner must assure the road is in the name of the Town. The Council is aware that a major problem with any of the roads within the Town is the lack of adequate drainage.

Therefore, any road improvement should only occur on Town owned roads wherein the landowners on the road have provided for sufficient area to drain the road from excess rainfall. In other words, landowners that abut a Town road need to provide sufficient area contiguous to the road to provide adequate drainage for the improved road. The drainage area can be an easement upon which a drainage system can be constructed (similar to the B Road activity).

Staff reviewed the policy formerly submitted to the Council and we have made modifications for the Council to consider before entertaining a road improvement program.

3.ATTACHMENTS

Methodology for the Prioritization of Roads Improvements
Road and drainage cost sharing policy

4.FINANCIAL IMPACT

Not applicable at the present time.

5.RECOMMENDED ACTION

Motion to instruct Town Attorney to prepare ordinance for Council consideration to adopt the Town road improvement prioritization policy.

Goal: The Town shall balance the public service needs of the community with the fiscal capabilities. New Programs, services, or facilities shall be based on general citizen demand, need, or legislative mandate. The Town shall provide funding for public services on a fair and equitable basis, and shall not discriminate.

1. Incorporate existing Town roads provided by LGWCD into plan to meet the Goals of service needs, fiscal capabilities managed on a fair and equitable basis.
 - a. Existing OGEM roads are now Town roads at a construction price of about \$1.5 million
 - i. Excess borrowed funds in LGWCD used to liquidated ~\$1.0 million outstanding loan
 - ii. Some funding provided from the annual transfer to LGWCD discontinued
2. What funding level is the Town willing to commit?
 - a. Millage increase
 - b. Bond referendum through dedicated gas tax revenues
 - c. Reduction in expenses
 - d. Expansion of other revenue sources
 - e. Bond Referendum through dedicated millage
3. Establishment of prioritization
 - a. Road improvements should be based on a cost benefit analysis, i.e., the greatest benefit to the most people at the least cost per capita
 - i. Would residents on prioritized Roads be in favor of such improvements?
 - a. Random selection for improvements
 - i. Would residents on random selection be in favor of such improvements?
 - b. Improve Roads classified in the most deteriorated conditions
 - i. Would residents on road classified in the most deteriorated conditions be in favor of such improvements?
4. Selection of Identified Roads
 - a. Cost Benefit Analysis for selection for funding
 - b. Random selection for funding (pulling out of a hat)
 - c. Other method(s)

5. Upon identification and consent for selected road improvement by citizens
 - a. Legal requirements are completed
 - b. Survey completed if necessary
 - c. Plan & Design Bid Specifications for Improvements by Town Engineers
 - d. Drainage accommodation with respect to improvements

DRAFT

TOWN OF LOXAHATCHEE GROVES
CAPITAL IMPROVEMENT PROJECTS
ROAD AND DRAINAGE
COST SHARING POLICY

PURPOSE: The purpose of this policy is to provide an orderly and efficient method for the Town to balance the public service needs of the community with the fiscal capabilities. (See Resolution No. ____). New Programs, services, or facilities shall be based on:

1. General citizen demand
2. Need
3. Or legislative mandate.

The Town shall provide funding for public services on a fair and equitable basis, and shall not discriminate.

POLICY: There is hereby established a policy for the creation of an assessment procedure for levy, collection, and adjustment of non-ad valorem assessments:

I. AUTHORITY

A. SECTION 166.021, F.S.

1. The legislative and governing body of a town shall have the power to carry on municipal government. To the extent not inconsistent with general or special law, this power shall include, but shall not be restricted to, the power to establish and subsequently merge or abolish capital improvement projects hereunder, for any part or all of the incorporated areas of the town, within which may be provided specified services.

B. SECTION 197.3632, F.S.

1. Non-ad valorem assessments may be collected in the same manner as ad valorem taxes, provided the Town Council of the Town of Loxahatchee Groves enters into a written agreement with the Property Appraiser and Tax Collector for reimbursement of necessary administrative costs, and provided the Town Council adopts a resolution at a public hearing prior to January 1 of each year stating its intent to use the uniform method of collecting such assessments.

II CREATION

- A. It shall be the policy of the Town Council of the Town of Loxahatchee Groves to require property owners residing on unimproved town roads who wish to have their roads improved may do so by petition process; however, the Town Council, at its discretion, may establish a minimum service improvement area requirement.

- B. Once the petition is completed and application is submitted, and {associated fee} a cost estimate will be prepared and the Town Council approved letter/vote card will be mailed to the benefitting property owners.
 - 1. All services are to be located on Town owned right-of-way, excepting situations wherein the affected properties owners are 100% responsible for the cost.

- C. The vote card must be signed and returned within 45 days of the date of the letter. The vote cards will be verified to determine that at least 51% of the benefitting responding property owners (or other options for determining basis for 51%) within the proposed unit boundaries signed in favor of the petition. Such verification shall be accomplished by comparing the vote card with the existing tax rolls of the Property Appraiser. The Town Council may also, at its discretion, increase the required percentage of signatures on a letter/vote card.

- D. Upon verification that 51% of the benefitting property owners (or other options for determining basis for 51%) signed in favor of the improvement, staff shall proceed with scheduling the project for public hearing. If the required 51% is not obtained within the 45 day period, the application will be deemed invalid and a letter will be mailed to the applicant to notify them that the requested improvement has not met the signature requirements.

- E. CAPITAL IMPROVEMENT PROJECTS
 - 1. The Town shall develop a “Scope of Project”, engineering cost estimate and a preliminary budget and assessment rate based on the engineering estimate.

 - 2. For Road Paving projects only, roads that are owned by Town of Loxahatchee Groves will receive a contribution from Town of Loxahatchee Groves for fifty 50% of the all costs associated with the construction cost and the affected property owners will be responsible for fifty 50% of the construction cost.

3. On roads that are not town owned, in addition to any other type of capital improvement project, the affected property owners will be responsible for 100 percent (100%) of the construction costs. Construction cost will include engineering services such as permits, surveys, inspections, testing and design. The full cost of these items is the responsibility of the affected property owners.
4. Any additional property that is required to complete a paving and drainage project, i.e. right-of-way, drainage retention areas, etc., as determined by Town's engineer, should be donated to the Town prior to the design phase of the project.

F. OTHER SERVICES AUTHORIZED UNDER SECTION 166.021

1. The Town shall develop a recommended project scope and assessment method with input from the petitioner's representative for submitting to the Town Council of the Town of Loxahatchee Groves.
 2. The project scope shall include but not be limited to the following:
 - (a) Legal description
 - (b) Plat of project area
 - (c) Location plan (if applicable)
 - (d) Operational and capital budget
- G. Upon receipt of the Scope of Project, the Town staff will recommend to the Town Council the procedures for implementing and funding the proposed improvement (per front foot assessment, per lot assessment, per parcel assessment, per acre assessment) and recommend a date for a public hearing.
- H. The Town staff shall request an assessment roll for the affected area from the Property Appraiser and shall certify the correctness of the roll for submitting to the Town Council at the same time the ordinance is adopted.
- I. The Town Attorney shall prepare an ordinance creating the improvement area (IA) for review by the Town Council.
- J. The Town Attorney will ensure the proper advertisement of a public hearing for the purpose of adopting the ordinance creating the improvement area (IA). The notice shall be published at least once

10 days prior to the scheduled hearing date. The Clerk's Office shall be responsible for actual placement of the advertisement. On roads that are not Town maintained, the petitioner shall be responsible for paying the cost of the advertisement directly to the newspaper.

- K. The Town staff will ensure the proper notice to each affected property owner by first class mail advising them of the date and time of the public hearing for the purpose of adopting the ordinance creating the improvement area (IA).
- L. Between June and September of each year, the Town will hold a public hearing to adopt the proposed non-ad valorem assessment roll for each new improvement area (IA) created during the preceding calendar year. The notice requirement and conduct of the hearing will be in conformance with the provisions of Section 197.3632, F.S. In addition, a similar public hearing will be required in following years whenever there are changes in the boundaries or the purpose of the improvement area (IA) as outlined in Section 197.3632(4) (a).
- M. All service contracts are to be processed and managed by the Town staff and shall be in compliance with the Purchasing policies established by the Town Council.
- N. An improvement area (IA) may be created at any time during the fiscal year. However, implementation shall coincide with the adoption of the annual Town budget October 1. Valid petitions should be submitted by July 1 of the preceding year. All new improvement areas (IAs) must be created (ordinance adopted) by January 1 of each year in order to be implemented the following October.

III. AMENDMENTS TO EXISTING IMPROVEMENT AREAS (IAs)

- A. Any change in an existing improvement area (IA), such as additional must be reviewed by the Town staff and the petitioner's designated representative. Any proposed revision resulting in an increase or decrease in the services provided to the improvement area shall be reviewed by staff, which shall determine if a public hearing is necessary prior to approval of the revision.

IV ADMINISTRATIVE PROCEDURE FOR ADOPTION OF AN IMPROVEMENT AREA BUDGETS AND ASSESSMENT ROLLS

- A. The Town staff shall prepare the budget for the improvement area (IA) during the annual budget hearings and ensure that they are presented and adopted by the Town Council at the same time and fashion as the adoption of the Town's Annual Budget. The Town

Attorney shall prepare the resolutions documenting the Town Council's approval of the improvement area (IA) budgets at the final public hearing to adopt the Town-wide budget.

- B. The Town management shall cause notice of the two public hearings (tentative and final) to consider adoption of the proposed improvement area (IA) budgets to be published in the form of a legal advertisement in a newspaper of general circulation. The two public hearings on the adoption of the improved area (IA) budgets shall also serve as the hearings to adopt the improvement area assessments.
- C. The Town staff shall prepare the IA assessment rolls annually and present them to the Town Council for adoption at the same time as the similar assessment resolutions are approved and will be included in the Town-wide budget. The Town staff will ensure that the assessment roll certifications are submitted to the Property Appraiser and Tax Collector for collection as set forth by F.S., Chapter 197.332.
- D. Upon the annual adoption of the IA assessment rolls, such rolls shall be certified by the Town staff to the Property Appraiser and Tax Collector by September 15 for billing and collections for that year. (Authority under Chapter 197, F.S.)
- E. Assessments become delinquent after April 1, and failure to pay may result in a lien levied against the property and may result in the sale of a tax certificate in accordance with 197.432, Florida Statutes.
- H. In the case when an individual IA is closed out, residual monies remaining in the Fund totaling 10% or more of the original up-front budget will all be refunded back to the property's current owner of record as originally assessed, i.e., per lot, front footage, parcel, etc., unless the refund amount is less than \$50.00. Any residual monies remaining in the Fund totaling less than 10% of the original up-front budget will be transferred to the affected department, i.e., Transportation. Any shortages of monies within an individual IA Fund at close-out shall be transferred from the affected department into the IA Fund.

Town of Loxahatchee Groves, Florida

Town Council Agenda Item Report

Publix Sign Variance VA 2016-01

PREPARED BY: | Jim Fleischmann

June 21, 2016

SUBJECT: Increase the size of the sign face of the Publix wall sign above the maximum allowed by the Town Code.

1. BACKGROUND/HISTORY

History: A Commercial Low Planned Unit Development (CL/PUD) zoning designation was assigned the Loxahatchee Groves Commons shopping center located at the northwest corner of Southern Boulevard and “B” Road by Town Council Ordinance 2013-09 (February 17, 2015). The Site Plan, including a 46,031 sq. ft. Publix grocery store, was approved by the Town council (Resolution 2015-05) at the same meeting. The shopping center is currently under construction.

Problem Statement: The Town Council should consider the Applicant’s variance request to increase the sign face of the wall sign to a size greater than the maximum the ULDC currently permits. The ULDC currently permits a maximum sign face on an anchor tenant wall sign of 60 sq. ft., while the Applicant proposes to increase the sign face to 119.08 sq. ft.

Problem Solution: A variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020 is met. In order to recommend approval of the proposed variance, the Town Council should find that the application meets each of the five criteria.

2. CURRENT ACTIVITY

The Applicant has prepared Variance Application VA 2016-01 which staff has reviewed to make a recommendation as to whether or not the five ULDC Section 150-020 criteria are satisfactorily addressed. It is Staff’s opinion that the five criteria have not been satisfied.

Following a review of the initial Application, Staff finds that the Applicant has not demonstrated, by competent and substantial evidence (Ref: Attachment 1), that each of five review criteria in ULDC Section 150-020 has been satisfied and therefore recommends denial of Variance Application VA 2016-02. The Applicant has submitted an updated variance justification (Ref: Attachment 2) for Council consideration.

The Planning and Zoning Board (PZB), at its meeting on May 19, 2016 recommended approval of the Publix Supermarkets, Inc. Variance Application 2016-01 by a 4 – 0 vote.

PZB recommended Town Council consideration of approval based upon its conclusion that the ULDC is deficient in its recognition of the larger signage needs of beneficial large-scale shopping centers that are set back at substantial distances from the road, provided that Town aesthetics are not compromised.

3. ATTACHMENTS

1. Staff Analysis: Variance Application 2016-01.
2. Supplemental Applicant Variance Justification
3. Resolution 2016-41

4. FINANCIAL IMPACT

Work on this project is funded by Applicant's Cost Recovery Account

5. RECOMMENDED ACTION

1. Denial of Resolution 2016-41, as recommended by Staff; or
2. Approval of Resolution 2016-41, as recommended by the Planning and Zoning Board.

ATTACHMENT 1 PUBLIX VARIANCE STAFF REVIEW AND FINDINGS

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

A. Criterion 1: That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.

1. Applicant's Response: Publix is the anchor tenant in a multi-tenant shopping center which sits several hundred feet back from Southern Boulevard. When you consider the overall size width of the proposed storefront at 237 feet, we feel that an 60 square foot sign would not be visible or proportionate to a building of this size.

2. Staff Review: The property is 21.73 acres in size with the following dimensions: Frontage on Southern Boulevard – 1,022 feet; and depth from Southern Boulevard – 771 feet. The size and dimensions of the property allow substantial flexibility to design projects in compliance with ULDC standards. Special circumstances have not been justified.

B. Criterion 2: That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.

1. Applicant's Response: Our hardship and major concern is visibility. The hardship is not self-created, but due to the provisions of the building code required for setback of the building from Southern Boulevard.

2. Staff Review: The ULDC requires a minimum front yard setback of 50 feet in the CL zoning district, while the Publix grocery is setback approximately 380 feet from Southern Boulevard. The setback greatly exceeds the ULDC requirement and was the Developer's choice. The setback could have been substantially less; therefore enhancing the visibility of a code-required sign. As a result, it is concluded that the visibility hardship was self-created. A hardship has not been justified.

C. Criterion 3: That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.

1. Applicant's Response: We feel that our request if approved will not convey any special privileges to this tenant under this interpretation of the code; 60 square feet of signage on an elevation of 237 feet in length will make the sign impossible to read at any reasonable distance; which we feel is an unnecessary and undue hardship.

2. Staff Review: The applicant is not deprived of the right to design a project in compliance with the ULDC in a manner commonly enjoyed by properties in the same zoning district. The Applicant has stated that the ULDC required sign dimensions will result in reduced visibility from Southern Boulevard. However, how that will result in a hardship and the magnitude of that hardship has not been explained. Therefore an unnecessary and undue hardship cannot be determined by Applicant's response.

D. Criterion 4: The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.

1. Applicant's Response: With visibility being our main concern, please consider that our request is far less than 10% of the overall square footage of the proposed elevations. We feel that our request is the minimum needed to advertise this property and the way intended by the Town's code.

2. Staff Review: The Applicant has not demonstrated that the request is the minimum necessary to insure reasonable use of the property.

E. Criterion 5: That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

1. Applicant's Response: The general intent of the proposed code that each tenant adequately advertise their business with signage that is proportional, visible and most of all architecturally pleasing. We feel that our request will not be injurious or detrimental to the public welfare. Instead, the larger signs will provide the general public and visitors the ability to identify the store for safe and easy access.

2. Staff Review: The Applicant has not demonstrated how approval of the Variance will maintain compatibility insured by ULDC standards.

ATTACHMENT 2: UPDATED STATEMENT OF CONSISTENCY WITH VARIANCE CRITERIA

A. Criterion 1: That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.

1. Applicant's Updated Response: The special condition and circumstance that exists is that Publix is the anchor tenant in a multi-tenant shopping center with over 200 linear feet of storefront. When you consider the overall size of the proposed storefront at 237 feet, the required 60 square feet of signage is not proportional to the overall size of the storefront. If this storefront was divided into standard 20 foot bays in a multi-unit center, the code would allow nearly 240 square feet of total signage. We are asking for 120 square feet of signage for Publix Food & Pharmacy. The Crestwood store just east of this location has sign with the Publix letters at 5 feet tall with sub copy of Food & Pharmacy and Deli Bakery. The total signage square footage is 176.62. Signs requested in this variance are far less than any in Palm Beach County.

B. Criterion 2: That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.

1. Applicant's Updated Response: The code in its present form does not allow for adequate and proportional signage for larger tenants. The existing code does not take into consideration a retailer of this size. The code only addresses signs up to a maximum size of 60 square feet, far less than any tenant of this size would require for proper identification. Current code was designed for tenants with much smaller retail space.

C. Criterion 3: That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.

1. Applicant's Updated Response: We feel that the success of this retail center very much rests upon the success of its anchor tenants. The literal interpretation of the code as it exists would deprive the applicant of signage that would aid their success because of their size, while tenants with smaller retail space would be allowed signage that would be uniform with their space and perhaps aid them in proper identification.

D. Criterion 4: The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.

1. Applicant's Updated Response: Our request is the minimum variance needed to answer the concern of size as it relates to the sign being in proportion to the overall size of the storefront. This Publix location has been developed to provide the general public with a drive-thru pharmacy. Not all stores within the Publix family have a pharmacy. Decreasing the main copy of the 'Publix' sign would require us to decrease the size of the sub copy, 'Food & Pharmacy', which will not allow for illumination of the sub copy due to the decreased size. Please note as stated earlier that the signs proposed are compatible with signs in the general area as to type and style, but are much smaller than any other Publix store of its size in the Palm Beach County area.

E. Criterion 5: That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

1. Applicant's Updated Response: We feel that our request will not be injurious or detrimental to the public welfare. Instead, it will provide the general public and visitors the ability to identify the store for safe and easy access. Adequate signage is critical to the survival of anchor tenants which in turn

becomes critical for their success, as well as the success of the center as a whole. The general intent of the code is to provide each tenant with adequate signage to advertise their business that is proportional, visible and most of all architecturally pleasing. The existing code does not address these concerns for tenants with larger retail spaces.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-41

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE PUBLIX SIGN VARIANCE, FOR LAND OWNED BY ATLANTIC LAND INVESTMENTS, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to variances from land development regulations for development on property within the Town; and

WHEREAS, the Council, pursuant to Section 150-010 (Authority) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) is granted the authority to permit a variance to the provisions of the ULDC related to: (1) height; (2) yards; (3) parking and loading; (4) landscaping and buffers; (5) separation of uses; (6) plot coverage; and/or (7) such other provisions of the Code which do not specifically prohibit such requests; and

WHEREAS, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of May 19, 2016 recommended approval of the Publix Supermarkets, Inc. Application VA 2016-01; and

WHEREAS, the Publix Supermarkets, Inc. Application VA 2016-01, was presented to the Town Council at a quasi-judicial public hearing conducted on June 21, 2016; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, this approval is subject to Section 150-030 (Time limits) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

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

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

Section 2. The Town Council has considered the analysis and findings of the report entitled “Town Council Agenda Item Report Publix Sign Variance 2016-01:” dated June 21, 2016 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. VA 2016-01 is a request to increase the maximum sign face of an anchor tenant wall sign of 60 sq. ft. to a maximum sign face of 119.08 sq. ft. for the Publix tenant of Loxahatchee Groves Commons shopping center.
2. VA 2016-01, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Sections 150-010(B) and 150-010(C).
3. The Applicant has demonstrated, based upon responses to the requirements of Section 150-020 (Considerations for variances) of the Town of Loxahatchee Groves land development regulations, that VA 2016-01 is not contrary to the public interest.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Publix Supermarkets, Inc. Variance Application VA 2016-02 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 21st day of June 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Town Attorney

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

EXHIBIT A

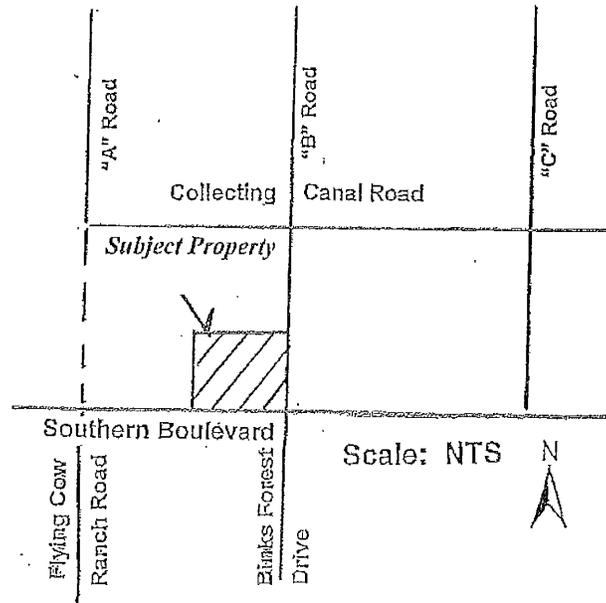
LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2016-42:

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

Tract A, of LOXAHATCHEE GROVES COMMONS, according to the plat thereof as recorded in Plat Book 121, Pages 95-98, Public Records of Palm Beach County, Florida

LOCATION MAP



Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report
Tractor Supply Company Variance VA 2016-02 (Resolution 2016-42)

PREPARED BY: | Jim Fleischmann

June 21, 2016

SUBJECT: Increase the size of the sign face of the Tractor Supply Company wall sign above the maximum allowed by the Town Code .

1. BACKGROUND/HISTORY

History: A Commercial Low Planned Unit Development (CL/PUD) zoning designation was assigned the Loxahatchee Groves Commons shopping center located at the northwest corner of Southern Boulevard and “B” Road by Town Council Ordinance 2013-09 (February 17, 2015). The Site Plan, including a 19,097 sq. ft. Agricultural Indoor Sales Building and a 16,009 sq. ft. associated outdoor sales/display/storage area, was approved by the Town council (Resolution 2015-05) at the same meeting. The shopping center is currently under construction.

Problem Statement: The Town Council should consider the Applicant’s variance request to increase the sign face of the wall sign to a size greater than the maximum the ULDC currently permits. Per the Application, the ULDC currently permits a maximum sign face on a non-anchor tenant wall sign of 36 sq. ft., while the Applicant proposes to increase the sign face to 99 sq. ft.

Problem Solution: A variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020 is satisfied (Ref: Attachment 1). In order to recommend approval of the proposed variance, the Town Council should find that the application meets each of the five criteria.

2. CURRENT ACTIVITY

The Applicant has prepared Variance Application VA 2016-01 which staff has reviewed to make a recommendation as to whether or not the five ULDC Section 150-020 criteria are satisfactorily addressed. It is Staff’s opinion that the five criteria have not been satisfied. However, staff finds that the Tractor Supply Company building and sales/display/storage area (i.e. a total of 35,106 sq. ft. of commercial space) should be considered an anchor tenant in the Loxahatchee Groves Commons shopping center and a sign permit application should be submitted to allow a 60 sq. ft. anchor tenant wall sign.

Following a review of the Application, Staff finds that the Applicant has not demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020 has been satisfied and therefore recommends denial of Variance Application VA 2016-01.

The Planning and Zoning Board (PZB), at its meeting on May 19, 2016 recommended approval of the Tractor Supply Company Variance Application 2016-02 by a 4 – 0 vote.

PZB recommended Town Council consideration of approval based upon its conclusion that the ULDC is deficient in its recognition of the larger signage needs of beneficial large-scale shopping centers that are set back at substantial distances from the road, provided that Town aesthetics are not compromised.

3. ATTACHMENTS

1. Staff Analysis: Variance Application 2016-02.
2. Resolution 2016-42

4. FINANCIAL IMPACT

Work on this project is funded by Applicant's Cost Recovery Account

5. RECOMMENDED ACTION

1. Denial of Resolution 2016-42, as recommended by Staff; or
2. Approval of Resolution 2016-42, as recommended by the Planning and Zoning Board.

Staff further finds that a sign permit application may be submitted and processed for a 60 sq. ft. sign face anchor tenant wall sign.

ATTACHMENT 1 TRACTOR SUPPLY VARIANCE STAFF REVIEW AND FINDINGS

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

A. Criterion 1: That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.

1. Applicant's Response: The Tractor Supply store sits about 400 feet back off the main road (SR 80). A larger building sign is needed for prospective customers to find the store. The sign size allowed by code (36 sq. ft.) would not be seen from the road and would be a detriment to customers trying to locate the store. The enhanced size would enable them to identify the facility and allow them time to make a safe turn into the parking lot.

2. Staff Review: Poor visibility from passing traffic on Southern Boulevard, due to the limited maximum wall sign dimensions in relation to the 380-foot setback, is cited as the primary reason for the variance. The circumstances were created as a result of the developer's decision to build a shopping center of 94,000 sq. ft. and the design of the shopping center itself, with all parking in front of the retail tenants. Special circumstances do not result from any unique circumstances surrounding the property itself.

B. Criterion 2: That any alleged hardship is not self-created, is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.

1. Applicant's Response: The proposed sign is typical for Tractor Supply Company and needed to properly identify the property and be seen from the road. It will be in harmony with the proposed use, the building architecture and the surrounding commercial uses.

2. Staff Review: The applicant states that the combination of the extensive store frontage and building setback distance from Southern Boulevard (approximately 380 feet), would not allow adequate visibility from passing vehicles. The ULDC requires a minimum front yard setback of 50 feet in the CL zoning district, while the Tractor Supply Company is setback approximately 380 feet from Southern Boulevard. The setback greatly exceeds the ULDC requirement; however, the location decision was made by the Applicant. As a result, it is concluded that the "visibility hardship" was known and therefore self-created at the time a location decision was made.

C. Criterion 3: That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.

1. Applicant's Response: The sign size allowed by code would not be seen from the road, therefore not allowing new prospective customers to find the store, and could jeopardize the success of Tractor Supply Company. Due to the large building frontage the larger sign is more proportionate and more aesthetically correct for the building size.

2. Staff Review: The size and dimensions of the property allow substantial flexibility to design projects in compliance with ULDC standards. Therefore, a different design could have increased visibility from Southern Boulevard for a code-compliant sign. Therefore, reasonable use of the property has not been denied. However, classification as a non-anchor tenant for the purposes of the sign code can be interpreted as an undue hardship. Classified as an anchor tenant, the Applicant will not be deprived of the right to design a project in compliance with the ULDC in a manner commonly enjoyed by similar properties in the same zoning district. A 60 sq. ft. wall sign could be permitted as an anchor tenant without the need for a variance.

D. Criterion 4: The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.

1. Applicant's Response: Granting the proposed variance will allow for the tenant to install signage typical for their program and allow them to sufficiently advertise their business. The proposed sign size is the minimum standard sign size for the Tractor Supply program. The larger sign is needed to make customers aware of the new store and would be beneficial to the success of Tractor Supply Company.

2. Staff Review: The ULDC currently permits a maximum sign face on a non-anchor tenant wall sign of 36 sq. ft., while the Applicant proposes to increase the sign face to 99 sq. ft.; a 175% increase in the sign face. The applicant has provided no data to substantiate that an increase of this magnitude is the minimum necessary to sufficiently advertise their business.

E. Criterion 5: That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

1. Applicant's Response: Same as Criterion 2, above. The proposed sign is typical for Tractor Supply Company and needed to properly identify the property. It will be in harmony with the proposed use, the building architecture and the surrounding commercial uses.

2. Staff Review: Per Section 90-005(C) *Compatibility of the ULDC*, signs should be made compatible with the overall objectives of the Comprehensive Plan by ensuring compatibility with surrounding land uses. ULDC sign standards have been designed to insure compatibility. The Applicant has not demonstrated how approval of the 63 sq. ft. Variance will maintain compatibility insured by ULDC standards.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-42

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE TRACTOR SUPPLY COMPANY SIGN VARIANCE, FOR LAND OWNED BY ATLANTIC LAND INVESTMENTS, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to variances from land development regulations for development on property within the Town; and

WHEREAS, the Council, pursuant to Section 150-010 (Authority) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) is granted the authority to permit a variance to the provisions of the ULDC related to: (1) height; (2) yards; (3) parking and loading; (4) landscaping and buffers; (5) separation of uses; (6) plot coverage; and/or (7) such other provisions of the Code which do not specifically prohibit such requests; and

WHEREAS, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of May 19, 2016 recommended approval of the Tractor Supply Company Application VA 2016-02; and

WHEREAS, the Tractor Supply Variance Application VA 2016-02, was presented to the Town Council at a quasi-judicial public hearing conducted on June 21, 2016; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, this approval is subject to Section 150-030 (Time limits) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

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

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

Section 2. The Town Council has considered the analysis and findings of the report entitled “Town Council Agenda Item Report Tractor Supply Company Variance 2016-02:” dated June 21, 2016 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. VA 2016-02 is a request to increase the maximum sign face of a non-anchor tenant wall sign of 36 sq. ft. to a maximum sign face of 99 sq. ft. for the Tractor Supply Company tenant of Loxahatchee Groves Commons shopping center.
2. VA 2016-02, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Sections 150-010(B) and 150-010(C).
3. The Applicant has demonstrated, based upon responses to the requirements of Section 150-020 (Considerations for variances) of the Town of Loxahatchee Groves land development regulations, that VA 2016-02 is not contrary to the public interest.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Tractor Supply Company Variance Application VA 2016-02 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 21st day of June 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Town Attorney

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

EXHIBIT A

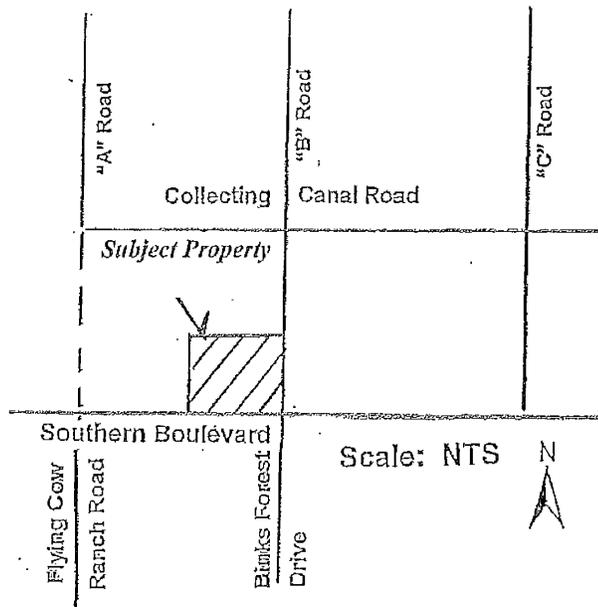
LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2016-42:

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

Tract A, of LOXAHATCHEE GROVES COMMONS, according to the plat thereof as recorded in Plat Book 121, Pages 95-98, Public Records of Palm Beach County, Florida

LOCATION MAP



Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report
Palms West Plaza Site Plan Amendment

PREPARED BY: Jim Fleischmann

June 21, 2016

SUBJECT: Palms West Plaza Site Plan Amendment Application SP(A) 2016-01

1. BACKGROUND/HISTORY:

Problem Statement: The Town Council should review the Site Plan Amendment application.

Problem Solution: Recommend approval, approval with conditions or denial of the application.

2. CURRENT ACTIVITY:

Palms West Plaza was granted a Town-Initiated Rezoning from County Commercial General (CG) to Town Commercial Low (CL) in 2012 (Town Ordinance 2012-11). Prior to incorporation of the Town Palm Beach County approved a site plan consisting of the following uses: (1) Local retail (39,650 sq. ft.); (2) day care center (6,000 sq. ft.); (3) post office (4,575 sq. ft.); and (4) lease parcel (7,400 sq. ft. of undetermined use). A total approved space of 57,625 sq. ft. was approved. Two take-out only restaurants (total of 2,500 sq. ft.) and a religious institution (1,000 sq. ft.) are included within the local retail space total and identified on the final certified site plan. The final certified site plan includes several conditions of approval which the applicant proposes to delete and/or amend.

Existing development consists of the following buildings (Ref: Exhibit 2): (1) the three existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.); and (2) the existing U.S. Post Office building (4,575 sq. ft.).

The applicant has requested approval of SP(A) 2016-01 (Ref: Exhibit 3) for a commercial center which includes: (1) the three existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.); (2) the existing U.S. Post Office building (4,575 sq. ft.); (3) two new commercial buildings (7,940 sq. ft. and 12,200 sq. ft.); and (4) a 5,400 sq. ft. expansion to the existing 8,005 sq. ft. building. A total of 52,675 sq. ft. of building area is proposed; a reduction of 4,950 sq. ft. from the current County approval.

The P & Z Board reviewed an initial Site Plan Amendment submittal at its meeting on January 29, 2016. After a lengthy discussion, during which several issues were raised by P& Z members, the item was postponed to allow the Applicant to address the concerns. Among the major issues that have been addressed are: (1) preservation of the existing cypress, oak and palm trees; (2) project architecture; (3) use and maintenance of Tangerine Drive; and (4) existing Conditions of Approval.

The P & Z Board reviewed a revised Site Plan Amendment submittal at its meeting on May 19, 2016. After a lengthy discussion, during which several issues were raised by P& Z members, the item was approved by a 4 – 0 vote. Among the major issues that were addressed are: (1) the location of the U-Haul trucks and loading spaces; (2) project architecture; (3) use and maintenance of Tangerine Drive; (4) movement of hay sales activities indoors; (5) restriction of places/areas where alcohol may be consumed; (6) the need for a security plan; and (7) proposed Conditions of Approval.

3. ATTACHMENTS:

1. Staff Summary: Palms West Plaza Site Plan Amendment Application SP(A) 2016-01
2. Palms West Plaza Comment Response Letter
3. Conditions of Approval Status Report
4. Resolution 2016-44

4. FINANCIAL IMPACT:

Work on this project is funded by a Cost Recovery Account funded by the Applicant

5. POTENTIAL ACTIONS BY THE TOWN COUNCIL :

1. Approval of SP(A) 2016-01
2. Approval of SP(A) 2016-01 subject to additional conditions of approval.
3. Denial of SP(A) 2016-01.

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
June 21, 2016**

**AGENDA ITEM STAFF SUMMARY:
SITE PLAN AMENDMENT APPLICATION SP(A) 2016-01**

1. Site Plan Amendment Application SP (A) 2016-1 Palms West Plaza

Project Name: Palms West Plaza Site Plan Amendment.

Agent: Michelle Hoyland, Wantman Group, Inc.

Applicant: Yee's Corporation and Rick & Cindy Morrow.

Owner: Yee's Corporation (Kan Yee YMR., Registered Agent) and Rick & Cindy Morrow.

Parcel Control Numbers (PCN): 41-41-43-17-01-809-0160 (1.0028 acres);
41-41-43-17-01-809-0190 (1.061 acres); 41-41-43-17-01-809-0210 (5.90 acres).

Project Location: Northwest corner of State Road 80 and the "D" Road Canal.

Size of Property: 7.9638 acres.

FLU Map Designation: Commercial Low (CL)

Zoning Map Designation: Commercial Low (CL) per Town Ordinance 2012-11.

Existing Use: Shopping center (5.90 acres); US Post Office (1.061 acres); and vacant (1.0028 acres).

Maximum Development Potential: 57,625 sq. ft. per Palm Beach County Resolution R-88-1546; 0.166 F.A.R.

2. Approval History

The subject site was granted a zoning change and special exception approval by Palm Beach County from AR-Agricultural Residential to CG-General Commercial and Planned Commercial Development on November 27, 1979 (Resolutions R-79-1642).

The subject site received a special exception approval from the Palm Beach County Board of County Commissioners to allow a Planned Commercial Development, including a Daycare Center, Automobile and Farm Equipment Repair Facility and a Car Wash Facility on November 27, 1979 (Resolution R-79-1643) subject to conditions of approval.

Palms West Plaza
Site Plan Amendment SP(A) 2016-01
May 11, 2016

A second special exception approval was granted by Palm Beach County on September 27, 1988 (Resolution R-88-1546) to redesign the site plan as a large scale community shopping center consisting of 57,625 square feet and subject to conditions of approval.

The final certified site plan includes several Zoning Review (i.e. administrative) revisions, the most recent of which occurred on June 10, 2010.

The property was granted a Town-initiated rezoning on December 4, 2012, from Palm Beach County CG-General Commercial and Planned Commercial Development to Loxahatchee Groves Commercial Low (Town Ordinance 2012-11). Although the Town's Commercial Low District allows a maximum F.A.R. of 0.10, the previously approved site plan is grandfathered in under Paragraph (5) *Transitional Ordinances and Resolutions* of Section 10 *Transition Schedule* of the Town Charter.

As a result, the final certified site plan titled "Loxahatchee Country Plaza Phase – 2" and conditions of approval are vested until they are rescinded or amended by the Town Council. In summary, final certified site plan uses include: Local retail (39,650 sq. ft.); day care center (6,000 sq. ft.); post office (4,575 sq. ft.); and lease parcel (7,400 sq. ft. of undetermined use). Total approved space is 57,625 sq. ft.

3. Application Summary

The Applicant has requested site plan amendment approval of a 52,675 sq. ft. commercial center consisting of 5 retail buildings (a total of 48,100 sq. ft.) and a U.S. Post Office building (4,575 sq. ft.).

The proposed site plan includes 3 existing commercial buildings (4,422 sq. ft., 10,133 sq. ft., and 8,005 sq. ft.) and the existing U.S. Post Office building (4,575 sq. ft.); an existing on-site total of 27,135 sq. ft.

Two new commercial buildings are proposed; 7,940 sq. ft. and 12,200 sq. ft. In addition, a 5,400 sq. ft. expansion to the existing 8,005 sq. ft. building is proposed. A total of 25,540 sq. ft. additional building area is proposed.

The total building square footage including existing and proposed additional space is 52,675 sq. ft. All buildings are one- story in height. Based on the total 7.96 acre site, the total floor area ratio is 0.152.

The certified site plan allows a total of 57, 625 sq. ft. The proposed site plan includes a total of 52,675 sq. ft.; 4,950 sq. ft. less than the existing final certified site plan.

4. Submitted Support Documents

Item	Content
Existing Certified Final Site Plan	Site Plan as of most recent revision date – 6/10/2010. Approval of 57,625 sq. ft.
Justification Statement dated 5/9/2016	Description of the following: Request – 52,675 sq. ft. commercial facility consisting of 48,100sq. ft. of retail buildings and a 4,575 sq. ft. US Post Office; site and surrounding properties; and property history.
Proposed Amended Site Plan dated 5/9/2016	Includes 3 existing commercial buildings (22,560 sq. ft.), existing Post Office (4,575 sq. ft.), and commercial center expansion – 2 additional buildings (20,140 sq. ft.), and an expansion (5,400 sq. ft.) of an existing commercial building. Total space = 52,675 sq. ft.
PBC Resolutions	R-79-1642 and R-79-1643 (Rezoning from County AR-Agricultural Residential to County CG-General Commercial Planned Commercial Development); and R-88-1546 (County Special Exception and Site Plan approvals – 57,625 sq. ft.).
Drainage Statement	Drainage system to consist of exfiltration systems and dry detention areas which will have a legal positive outfall through an existing control structure and outfall to the C-51 Canal. The proposed development was previously permitted per SFWMD Permits 82-72 and 50-01659-S-02. C-51 Basin compensating storage is being met with this project.
Landscape Plan dated 5/5/2016	Existing map and tabular tree inventory (trees to be removed and to be preserved); locations of buffers and landscaped areas; landscape materials by species; location of multi-use trail.
Photometric Plan	Lighting locations and specifications; lumens assessment map.
Architecture	Elevations and floor plans for buildings #1, #2 and #3 are included in Attachment O of SPA 2016-01. Artists renderings of proposed buildings
Traffic Study dated 6/30/2014	Expansion to generate the following net trips: Average daily – 1,124; A.M. Peak – 17; P.M. Peak – 99. P.M. traffic impacts upon several links of Southern Boulevard and Binks Forest Drive are projected. The proposed expansion will meet LOS standards on Southern Boulevard pending improvements included in the Five-Year Transportation Improvement Plan. In order to immediately proceed, Applicant has proposed an impact fee creditable \$141,585 proportionate share contribution towards Southern Boulevard improvements from Lion Country

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	Safari Road to Forest Hill/Crestwood. Study concludes that adopted L.O.S. Standards will be met subject to programmed Southern Boulevard improvements. TPS letter from Palm Beach County provided a buildout date of December 31, 2019.
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5. Staff Finding and Recommendation

Staff finds the proposed Site Plan Amendment, dated May 9, 2016, consistent with the Town’s Comprehensive Plan, ULDC zoning requirements and Site Plan criteria and recommends approval of Site Plan Amendment Application SP(A) 2016-01, subject to the Statement of Use, Site Plan and Conditions of Approval presented Resolution 2016 - 44.

6. Planning and Zoning Board (PZB) Recommendation

At its May 19, 2016 meeting, PZB voted to recommend approval/denial by a 4 – 0 vote subject to the Statement of Use, Site Plan and Conditions of Approval presented in Resolution 2016-44:

7. Staff Report Summary

A. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Letter from Palm Beach County Water Utilities Department (PBCWUD) stating that PBCWUD is the potable water and wastewater provider for the property. PBCWUD is able to maintain the established level of service for the existing 27,135 sq. ft. center and will be able to accommodate an intensity increase to 55,425 sq. ft. of commercial space.
Surface Water Management	Drainage statement provided (Attachment K of the Site Plan Amendment Application). Legal positive outfall via an existing control structure to C-51 Canal. The existing structure to regulate discharge to SFWMD Equalizing Canals per C-51 Basin discharge criteria. Drainage system to be approved by the Town’s Consulting Engineer as part of the land development review process prior to initial building permit.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Traffic Analysis provided by Land Design South/Wantman Group (Attachment P of the Site Plan Amendment Application). Study concludes that projected P.M. peak-hour traffic will meet Palm Beach County TPS standards pending improvements included in the Five-Year Transportation Improvement Plan. The Applicant stated that required impact fees and proportionate share costs for roadway improvements, as calculated by present day methods,

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	will be paid. A letter (7/24/2014) from County Traffic Division concludes that the proposed expansion project meets the PBC TPS with a buildout date of December 31, 2019. Tangerine Drive is a 60' access and drainage easement; 30' on the subject property and 30' on properties to the north. Condition of existing site plan approval – no access from property to Tangerine Drive.
Parks and Recreation	Not Applicable – Commercial land use and zoning
Public Schools	Not Applicable – Commercial land use and zoning
FIRE/EMS	Letter from Palm Beach County Fire/Rescue stated that the served by Station #21, located at 14200 Okeechobee Blvd. A letter from Fire/Rescue indicated an estimated response time of 7 minutes and 30 seconds, less than the average for this station zone. The site plan amendment will have minimal impact on Fire Rescue services.

B. Comprehensive Plan Consistency

The subject property currently is assigned Future Land Use Map and Zoning designations of Commercial Low (CL). The property was granted a Town-initiated rezoning on December 4, 2012 to Loxahatchee Groves Commercial Low (Town Ordinance 2012-11).

Although the Town's Commercial Low District allows a maximum F.A.R. of 0.10, the previously approved final certified site plan (0.16 F.A.R.) is grandfathered in under Paragraph (5) *Transitional Ordinances and Resolutions* of Section 10 *Transition Schedule* of the Town Charter. Section 10 directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are rescinded by the Town Council. As a result, the final certified site plan titled "Loxahatchee Country Plaza Phase – 2" and conditions of approval are vested until such time that they are rescinded or amended by the Town Council.

Site Plan SPA 2016-01 which proposes a 52,675 sq. ft. commercial development is consistent with, but reduced from the 57, 625 sq. ft. commercial center previously approved by Palm Beach County (Resolution 88-1546).

Based upon the above, proposed Site Plan Amendment SP(A) 2016-01 is consistent with its assigned Future Land Use and Zoning designations, and the following Comprehensive Plan directives:

- FLU Objective 1.2 The Town shall support development of rural style commercial center along the Southern Boulevard Corridor.

- FLU Policy 1.2.1 The Town shall limit new commercial development to areas south of East Citrus Road border to border.
- FLU Policy 1.12.3 The Town shall encourage development of a rural-style commercial center along the Southern Boulevard Corridor to provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents.

C. Zoning Requirements: CL Zoning District

Regulation	Standard	Property/Complies?
Minimum lot size	1 acre	7.96 acres/Yes
Frontage and Access	Paved Collector or Arterial	Southern Blvd./Yes
Minimum frontage/width	150 feet	722 feet/Yes
Minimum depth	150 feet	477 feet/Yes
Maximum Floor-Area-Ratio	0.10	0.152/Yes*
Maximum building and roofed structures lot coverage	25%	18.6%/Yes
Front setback	50 feet	65 feet/Yes

Regulation (continued)	Standard	Property/Complies?
Side setback	25 feet	16.4 feet/Yes**
Side street setback	25 feet	74.2 feet/Yes
Rear setback	50 feet	61.2 feet/Yes***
Minimum pervious area	30%	32.9%/Yes
Maximum building height	35 feet	35 feet maximum/Yes

* - Complies with Final Certified Site Plan Approval (F.A.R. of 0.166 per PBC Resolution 88-1546.
 ** - Existing eastern-most building setback from Lox. Groves Water Control District.
 *** - Includes 30 foot Tangerine Drive access easement.

D. ULDC Section 110-025(B). Minimum Application Requirements

Requirement	Response
Vehicular and pedestrian access	Property is bordered by two roads: Southern Boulevard and West Tangerine Drive (60' access easement; 30' on the subject property). Access from Tangerine and "D" Road is currently prohibited by Palm Beach County Resolution 88-1546. Proposed Site Plan indicates access from Southern Boulevard and Tangerine Drive. Condition of Approval required to allow Tangerine Drive access.
On-site circulation	Proposed Site Plan illustrates the locations of drive aisles providing on-site circulation among the proposed

	buildings and site access drives.
Parking	Proposed Site Plan illustrates the locations of parking areas and the number and size of parking spaces and drive aisles.
Proposed roadway or easement vacations or road closures	None proposed
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	Traffic Analysis provided. Conclusion - no improvements cited. TPS letter (7/24/2014) from Palm Beach County states that the proposed project meets the PBC TPS with a buildout date of 12/31/19. Neighborhood impacts not addressed in Analysis or TPS letter. Site access from Tangerine Drive currently prohibited; however, Site Plan amendment proposes to allow access.

E. ULDC Article 85: Landscape Requirements

Requirement	Response
Section 85-025 © Plots of 2 acres or more shall preserve or create and maintain an ecological community of at least 3% of area of the property	Not required in final certified site plan. Per 85-025 ©, requirements may be met by incorporation within buffers and/or interior landscaping. An exhibit has been submitted identifying the perimeter buffer as an ecological community in excess of the 3% requirement. The landscape buffer will be planted with native trees, shrubs and groundcovers – Condition of Approval.

Requirement (continued)	Response
Section 85-040 (D) (2) and (3) Tree survey, including trees to remove or relocate, including relocation sites	Native Tree Survey provided on Sheet LI.1 of the Landscape Plan dated 5/5/2016.
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Landscape Plan and Landscape Details provided on Landscape Plan dated May 5, 2016.
Section 85-040 (E) Irrigation plan if irrigation system to be used	Condition of Approval. To be reviewed by Town Engineer at the time of Land Development Review.
Section 85-050 (A) (1) No substances that prevent water percolation in areas not containing structures or paving	Vehicular Use/Open Space/Pervious Calculations, Exhibit EX.2, dated May 5, 2016, indicates that structures and paving constitute impervious area – meets requirement
Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5 foot height along 20% of the structure frontage	New and existing structures, with the exception of the Post Office, treated @ 100% of frontage except for entrance walkways – meets requirement
Section 85-050 (C) Vehicular use area landscaping defined and located @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Vehicular use area and vehicular use area landscape areas identified and mapped on Vehicular Use/Open Space/Pervious Calculations Exhibit EX2, dated May 5, 2016 – meets requirement.

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Section 85-050 (B) Meets interior open space tree and shrub requirements	Per site plan, 2.35 acres or 29.8% of site area. Landscape requirement = 1 tree and 10 shrubs/2,000 sq. ft. (44 trees and 440 shrubs). Acres calculations provided and area mapped on Vehicular Use/Open Space/Pervious Calculations on Exhibit EX2, dated May 5, 2016.
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	Five dumpsters - all are screened, per the Site Plan dated May 9, 2016 – meets requirement
Section 85-050 (E) Signs screened	One monument sign at Southern Boulevard entrance per the Site Plan. Sign screened per Landscape Plan – meets requirement.
Section 85-050 (F) Existing vegetation credit requested and calculated	To be determined during Vegetation Removal Permit review and approval process – Condition of Approval.
Section 85-055 (B) Landscape buffer along property line abutting AR District	15-foot landscape buffer provided on west property line. 30-foot road easement plus 13- foot landscape strip on the north property line. No buffer on the east between existing building and LGWCD building – meets requirement for new construction.
Section 85-055 (C) 15 foot vehicular use landscape strip (not counted as interior open space)	15 foot landscape buffer provided on south and west parking lots. 30-foot road easement plus 13- foot landscape strip on the north property line - meets requirement
Section 85-050 (C) (1) Vehicular use landscape requirements – 10% of vehicular use area.	Interior open space at 64.3 % of vehicular use area calcs provided and areas mapped on Vehicular Use/Open Space/Pervious Calculations Exhibit EX2, dated May 5, 2016 – meets requirement.
Section 85-065 Site distance requirements (Ref: ULDC Article 105)	25 foot corner clips provided at Southern Boulevard entrance – meets requirement.

F. ULDC Article 95 Parking and Loading

Requirement	Response
Section 95-010 Minimum parking space requirements (1/250 sq. ft.) = 211 spaces required. 5 handicap spaces required (Ref: Table 208.2 PBC ULDC – 2% of total)	217 spaces provided. 211 standard; 10 handicap; and 6 U-Haul display – meets requirement. Condition of Approval – Outdoor display area (U-Haul parking spaces) limited to a maximum of 6 trucks at any given time and location indicated on the Site Plan dated May 9, 2016– Condition of Approval.
Section 95-025 Size of parking spaces – Standard space = 11' x 22.5". Handicap space = 14' x 22.5'	Proposed parking space distribution: 1. 11 x 22.5 spaces = 211 spaces 2. 14' x 22.5 Handicap spaces = 10
Section 95-050 Minimum loading space requirements (i.e. for uses that receive materials by truck).	1 loading space provided on north side of outparcel building.
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	Loading space at 12 feet x 45 feet – meets requirement.

G. Architecture

Architectural plans (Ref: Attachment C), including elevations and floor plans, are included in Attachment O of SPA 2016-01. The proposed renovations and development plans are consistent with the following aspects of the Rural Vista Guidelines. A more detailed description of the architectural features is included in Attachment C.

- Wrap-around porch-style colonnades.
- Wall finishes having horizontal line components.
- Metal roofs.
- Siding-style finishes on parapet walls above the roofline.
- Broken parapet wall profiles that provide a vernacular feel to the roof line.

H. Development Review Committee (DRC) Comments

DRC member comments requiring a response or condition o approval are as follows::

Agency/Entity	Comment/Response Summary
Keschavarz & Assoc. (Town Engineer)	<p>Comments submitted. Issues raised:</p> <p>(1) drainage and flooding on USPS site. The Applicant response – Civil engineering plans to be submitted during land development review.</p> <p>(2) ULDC requires 28-foot drive aisles – 26-foot shown. Applicant’s response – The current approved site plan indicates 26-foot drive aisles, and an amendment, due to site constraints, is not requested.</p> <p>(3) Recommended conditions of approval: (1) Applicant shall pave Tangerine Drive along the north side of the property to “D” Road; (2) Applicant shall be responsible for surface water management of Tangerine Drive along the north side of the property either by constructing drainage facilities within the right-of-way or accepting runoff from the roadway into the project water management system.</p>



May 9, 2016

Jim Fleischmann
Land Research Management, Inc.
2240 P.B. Lakes Blvd., #103
West Palm Beach, FL 33409

RE: PALMS WEST PLAZA – COMMENT RESPONSE LETTER

Mr. Fleischmann,

We respectfully submit the following responses to the comments discussed at our January 29, 2016 meeting for the Palm West Plaza Site Plan Amendment Application. Additionally, this letter includes responses to the comments from Keshavarz & Associates, Inc. in their letter dated February 5, 2016.

1. Identify “vehicular use” and “interior open space” areas on a landscape plan map and calculate the areas of each. Interior open space must equal or exceed 10% of the vehicular use area.
Response: An exhibit is included with the resubmittal that identifies and shows a calculation for vehicular use area and interior open space area. Interior open spaces exceeds 10% of the vehicular use area.

2. What is the “interior open space” percentage? 2.05 acres is identified as open space. Is this meant to be “interior open space”? Map, describe and calculate interior open space (acres and percent). If the 2.05 acres is “interior open space”, then the percentage is 25.74% of the property and related landscape requirements are 1 tree and & 10 shrubs/2,000 sq. ft. Calculate and state that this requirement is met.
Response: An exhibit is included with the resubmittal that identifies and shows a calculation for interior open space area. Additionally, the landscape plan has been revised to show the calculation for interior landscape.

3. Pervious area is stated as 37%. What does this include? – Detention areas? Per Town definition, impervious area includes “water bodies”. As a result, they should not be included in the pervious area calculation.
Response: An exhibit is included with the resubmittal that identifies and shows a calculation for pervious area. Detention areas are included in the previous calculation because they are dry and not considered water bodies. Additionally, the labels on the site plan have been revised from detention areas to dry detention areas.

4. All dumpsters need to be screened.
Response: The landscape plan has been revised to indicate screening around the dumpsters.

5. “An ecological community” is required @ 3% of the site area = 10,402 sq. ft. This issue must be addressed.
Response: An exhibit is included with the resubmittal that identifies the perimeter buffer as an ecological community which is in excess of the required 3%. The landscape buffer will be planted with native trees, shrubs and groundcovers.

6. Other topics of discussion:
Access to and maintenance of Tangerine Drive. Is the bridge at “D” Road included?

Response: If the Town agrees to allow access from the shopping center onto Tangerine Road, the applicant is in agreement to carry Condition 9 of Resolution R-79-1643 which states: Petitioner must maintain Tangerine Road perpetually. The bridge at "D" Road is not within the subject property boundary; therefore, maintenance obligations for the bridge are excluded.

- a. Condition restricting additional clearing.

Response: Condition is a hardship on the property owner and severely limits the ability to expand the shopping center. The Town's code has specific requirements and regulations related to tree preservation and mitigation that the applicant will comply with. Applicant proposes a replacement condition stating to the affect that all existing trees identified to remain on the tree disposition plan dated 05/09/16 are required to be protected with tree protection barriers during all stages of construction. Further, the site plan and landscape plan have been revised to include additional preserved trees and palms.

- b. Condition requiring a percentage of office uses.

Response: Condition is outdated and the uses identified on the site plan if approved will be permitted. Applicant proposes to delete condition and not carry forward.

- c. Frontage road – will it remain and who maintains.

Response: Condition no longer applies considering FDOT's future plans to widen Southern Blvd. The existing frontage road will be removed when Southern Blvd. is widened. Applicant proposes to delete condition and not carry forward.

KESHAVARZ & ASSOCIATES, INC.

SITE PLAN

1. The existing Post Office in the southwest quadrant of the site is supposedly suffering flooding issues. At a minimum no changes to the adjacent drainage patterns will be allowed. Further the proposed Sewage Pumping Station just northeast of the Post Office will need to have its top slab elevation set at or above the 100 year flood elevation which may impact the alleged building flooding.

Response: Acknowledged. Civil plans will be provided during the permit process as required.

2. The northeastern and northwestern corners of the retail buildings along the north property are shown with pavement up to the building walls. This poses a collision hazard that should be mitigated somewhat with protective bollards. There is existing equipment along the north wall of the existing portion of the retail buildings. Will more equipment be installed along the proposed walls and how will it all be protected from traffic?

Response: The site plan has been revised to indicate bollards at the northeastern and northwest corners of the retail buildings. The existing equipment along the north wall of the retail buildings will remain. The equipment for the proposed building addition and new building will be located on the roof.

3. The dumpster as shown at the northwestern corner of the two northern retail buildings poses somewhat problematic access. We would suggest that the 24' travel lane along the west wall of the building be narrowed to 20', offset 4' from the wall, and be designated as one way.

Response: The dumpster enclosure has been relocated to allow for better access. The applicant desires to keep the two-way vehicular circulation on the west side of the building.

4. Fire truck access needs to be studied as the 25' radii of the large 'D' shaped islands terminate in 5' or smaller radii before completion of the pavement return. Also the radii of the pavement returns from the access drive to the two north retail buildings is not labeled but appears to be substantially less than 25'.



**Status of Conditions of Approval
Palms West Plaza
Northwest Corner of Southern Boulevard and D Road
Site Plan Amendment**

Resolution No: R-79-1642

No Conditions

Resolution No: R-79-1643

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County two hundred (200) ft. from the guardrail along the south side of S.R. 80 for the ultimate right-of-way for, S.R. 80.

Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.

2. Petitioner shall construct the frontage road within the project's property limits.

Status: Condition no longer applies considering FDOT's future plans to widen Southern Blvd. Applicant proposes to delete condition and not carry forward.

3. Petitioner shall construct the main access road to have one lane entering and two lanes exiting.

Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.

4. Petitioner shall:

- a. Construct a left turn lane, west approach, on S.R. 80 at the project's entrance.
- b. Construct a right turn lane, east approach, on S.R. 80 at the project's entrance.

Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.

5. Petitioner shall signalize the intersection of S.R. 80 and the project's main entrance, when warranted, as determined by the County Engineer.

Status: Condition no longer applies considering FDOT's future plans to signalize the intersection of State Road 80 and D Road just east of the project's main entrance. Applicant proposes to delete condition and not carry forward.

6. Petitioner shall submit a comprehensive drainage report to determine the effect that this development will have on drainage on a butting properties prior to Site Plan approval.

Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.

7. Petitioner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" Ordinance No. 79-7. This fee shall be determined and calculated as follows:

Commercial	\$37,500.00
Office	\$6,000.00
Garage	\$2,500.00
Day Care	\$2,000.00

Status: Condition is outdated. Applicant proposes to delete condition and not carry forward. As required for the proposed development, the applicant will pay all required impact fees and proportionate share costs for roadway improvements as calculated with present day methods.

8. Petitioner must obtain a surface Water management permit from the South Florida Water Management District prior to construction.

Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.

9. Petitioner must maintain Tangerine Road perpetually.

Status: If the Town agrees to allow access from the shopping center onto Tangerine Road, the applicant is in agreement to carry condition forward.

Resolution No.: R-88-1546

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

Status: New resolution will delete, carry forward or modify all previous conditions of approval. Applicant proposes to delete condition and not carry forward.

2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Parallel parking stalls a minimum of twenty-two (22) feet in length.

Status: Condition is a code requirement, and no parallel parking stalls are shown on the proposed site plan. Applicant proposes to delete condition and not carry forward.

3. Prior to site plan approval, petitioner shall record a Unity of title Agreement covering all property except the Post Office parcel.

Status: Condition has been satisfied. Applicant is in agreement to carry condition forward should the Town choose to do so.

4. The rear façade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon future/nearby residential development.

Status: Applicant is in agreement to carry condition forward should the Town choose to do so.

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

6. **Status: Applicant is in agreement to carry condition forward should the Town choose to do so.**

7. No parking of any vehicles shall be permitted along the rear of the shopping center in designated spaces of unloading areas.

Status: Applicant is in agreement to carry condition forward should the Town choose to do so.

8. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.

Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.

9. No further clearing shall take place on site. The remaining oaks and other native vegetation shall be preserved and incorporated into the project design.

Status: Condition is a hardship on the property owner and severely limits the ability to expand the shopping center. The Town's code has specific requirements and regulations related to tree preservation that the applicant will comply with. Applicant proposes a replacement condition stating to the affect that all existing trees identified to remain on the tree disposition plan date xx/xx/xx are required to be protected with tree barriers during all stages of construction.

10. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.

Status: Condition is a code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.

11. No building permit shall be issued to the subject property until such a time that the site is connected to a public sewer system.

Status: Condition has been completed. Applicant proposes to delete condition and not carry forward.

12. Since sewer is available to the property, a septic tank shall not be approved for use in the property.

Status: The existing shopping center utilizes sewer as will the proposed development. Applicant proposes to delete condition and not carry forward.

13. Condition No. 2 of petition 79-240 presently states:

“2. Petitioner shall construct the frontage road within the projects property limits”

Is hereby deleted.

Status: Condition was previously deleted. Applicant proposes to not carry forward.

14. Condition No. 7 of petition 79-240 presently states:

“7. Petitioner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" Ordinance No. 79-7. This fee shall be determined and calculated as follows:

Commercial	\$37,500.00
Office	\$6,000.00
Garage	\$2,500.00
Day Care	\$2,000.00”

Is hereby amended to state:

“7. The developer shall pay a Fair Share Fee in the amount and manner required by the “Fair Share Contribution for Road Improvements Ordinance” as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$9,778 (365 Additional trips x \$26.79).”

Status: Condition is outdated. Applicant proposes to delete condition and not carry forward. As required for the proposed development, the applicant will pay all required impact fees and proportionate share costs for roadway improvements as calculated with present day methods.

15. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 85% of the stormwater runoff generated by a three (3) year – one hour storm (3.0 inches) per requirements of the Permit Sections, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the county Engineer.

Status: Code requirement. Applicant is in agreement to carry condition forward should the Town choose to do so.

16. No access shall be permitted onto West Tangerine Road or West “D” Road.

Status: If the Town agrees to allow access from the shopping center onto Tangerine Road, the applicant is in agreement to carry forward Condition #9 of Resolution 79-1643 which states: Petitioner must maintain Tangerine Road perpetually.

17. Based on the Traffic Performance Standards (Category “B”), the developer shall contribute an additional \$2,445.00 toward Palm Beach County’s existing Roadway Improvement Program, these

total funds of \$12,223.00 to be paid prior to the issuance of the next building permit or prior to January 1, 1988 whichever shall first occur.

If the "Fair Share Contribution of road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$2,445.00 shall be credited toward the increased Fair Share Fee.

Status: Condition is outdated. Applicant proposes to delete condition and not carry forward. As required for the proposed development, the applicant will pay all required impact fees and proportionate share costs for roadway improvements as calculated with present day methods.

18. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

a. Building Permits for the last 3,500 square feet shall not be issued until State Road 80 has been constructed as a 4 lane median divide section from Forest Hill Boulevard to Seminole Pratt Whitney Road.

Status: Condition has been satisfied. State Road 80 currently has 4 lanes with plans to widen to 6 lanes. Applicant proposes to delete condition and not carry forward.

19. A minimum of 14,650 square feet of gross leasable area of the proposed plaza shall remain as office use.

Status: Condition is outdated and uses as approved on the site plan will be permitted. Applicant proposes to delete condition and not carry forward.

20. The petitioner shall revise the State of Florida Department of Transportation plans for the four lane of State Road 80 to incorporate a left turn lane west approach at the proposed median opening of this subject site. This property owner shall be fiscally responsible for any change order associated with these plans.

Status: Condition has been satisfied. Applicant proposes to delete condition and not carry forward.

21. Repairs of farm implements shall take place entirely within an enclosed building.

Status: Applicant is in agreement to carry condition forward should the Town choose to do so.

22. No off premise signs shall be permitted on the site.

Status: Applicant is in agreement to carry condition forward should the Town choose to do so.

23. No carwash signs shall be permitted on site.

Status: Applicant is in agreement to carry condition forward should the Town choose to do so.

24. No gasoline sales shall be permitted on site.

Status: Applicant is in agreement to carry condition forward should the Town choose to do so.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-44

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE PALMS WEST PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY YEE'S CORPORATION AND RICK AND CINDY MORROW, CONSISTING OF 7.96 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "D" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Board of County Commissioners, on September 27, 1988, adopted Resolution R-88-1546 approving a Special Exception granting approval of a large-scale community shopping center consisting of 57,625 square feet, including the Final Site Plan and Conditions of Approval ; and

WHEREAS, Palm Beach County Zoning Division, on June 10, 2010 approved final administrative revisions to the Final Certified Site Plan; and

WHEREAS, the Loxahatchee Groves Town Council, on December 4, 2012, adopted Ordinance 2012-11 approving the rezoning of the property from Palm Beach County General Commercial (GC) and Planned Commercial Development to Loxahatchee Groves Commercial Low (CL); and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans and amendments to site plans for development on property within the Town; and

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

WHEREAS, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of May 19, 2016 recommended approval of the Palms West Plaza Site Plan Amendment Application SP(A) 2016-041 and

WHEREAS, the Palms West Plaza Site Plan Amendment Application SP(A) 2016-01, was presented to the Town Council at a quasi-judicial public hearing conducted on June 21, 2016; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, this approval is subject to Section 155-030 (Effect of approval) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

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

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

Section 2. The Town Council has considered the findings in the staff report dated June 21, 2016 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. Site Plan SP(A) 2016-01 is consistent with the zoning designation assigned by Town Ordinance 2012-11 to the property by the Loxahatchee Groves Town Council, on December 4, 2012.
2. Site Plan SP(A) 2016-01 is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan and standards for building and structural intensities and intensities of use assigned by Palm Beach County Board of County Commissioners Resolution R-88-1546 adopted on September 27, 1988.
3. Site Plan SP(A) 2016-01 as presented in Exhibit C hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit D hereto, complies with applicable standards imposed on it other provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit D hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
3. Site Plan SP(A) 2016-01, as presented in Exhibit C hereto, and Statement of Use, as presented in Exhibit B hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

4. The proposed design, with conditions as adopted and presented in Exhibit D hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. Site Plan SP(A) 2016-01, as presented in Exhibit C hereto, and Statement of Use, as presented in Exhibit B hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. Site Plan SP(A) 2016-041 as presented in Exhibit C hereto, and Statement of Use, as presented in Exhibit B hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Loxahatchee Groves Commons Site Plan Amendment SP(A) 2016-01 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of the Amended Site Plan, subject to the approved conditions presented in Exhibit D hereto, is attached hereto as Exhibit C and made a part hereof.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this ____ day of June, 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Town Attorney

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

EXHIBIT A

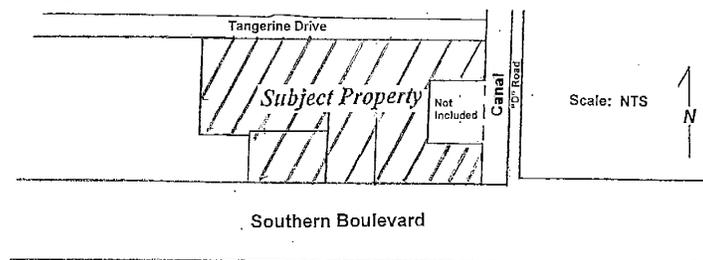
LEGAL DESCRIPTION AND LOCATION MAP

Parcel Control Numbers:

41-41-43-17-01-809-0160,
41-41-43-17-01-809-0190, and
41-41-43-17-01-809-0210

Legal Descriptions of the three parcels applicable to Resolution 2016-01 are presented on the following pages.

LOCATION MAP



Legal Description
41-41-43-17-01-809-0160

A PARCEL OF LAND IN TRACT 9, BLOCK I, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURTH, IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, PAGE 29, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 9; THENCE WESTTERLY ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 485.64 FEET; THENCE NORTHERLY ALONG A LINE AT AN ANLE TO THE SOUTH LINE OF SAID TRACT 9 OF 89°24'30", AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 125.01 FEET TO THE POINT OF BEINNING. THENCE, CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 273.00 FEET; THENCE EASTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 160.00 FEET; THENCE SOUTHERLY AT AN ANGLE TO THE PRECEEDING LINE OF 89°24'30", AS MEASURED FROM WEST TO SOUTH, A DISTANCE OF 273.00 FEET TO A POINT ON A LINE 125.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 9; THENCE WESTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING.

Legal Description

41-41-43-17-01-809-0190

A PARCEL OF LAND IN TRACT 9, BLOCK I LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, PAGE 29; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 9; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 722.65 FEET TO A POINT; THENCE, NORTHERLY ALONG A LINE AT AN ANGLE TO THE SOUTH LINE OF SAID TRACT 9 OF 89°24'30", AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 125.01 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUE NORTHERLY, ALONG SAID LINE, A DISTANCE OF 195.01 FEET TO A POINT; THENCE EASTERLY, ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 237.01 FEET TO A POINT;

THENCE, SOUTHERLY AT AN ANGLE TO THE PRECEDING LINE OF 89°24'30", AS MEASURED FROM WEST TO SOUTH, A DISTANCE OF 195.01 FEET TO A POINT ON A LINE 125.0 FEET NORTH OF, AS MEASURED AT RIGHT ANGLE TO, AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 9; THENCE WESTERLY, ALONG SAID PARALLEL, A DISTANCE OF 237.01 FEET TO THE POINT OF BEGINNING.

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

CONTAINING: 1.061 ACRES, MORE OR LESS

Legal Description
41-41-43-17-01-809-0210

A PARCEL OF LAND IN TRACT 9, BLOCK I, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, AT PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 9, BLOCK I, LOXAHATCHEE GROVES, AND THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD #80, (SOUTHERN BOULEVARD); THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD #80, A DISTANCE OF 722.65 FEET TO A POINT; THEN 89°24'30" FROM EAST TO NORTH, A DISTANCE OF 301.19 FEET TO A POINT; THENCE 88°30'00" FROM SOUTH TO WEST, A DISTANCE OF 150.05 FEET TO A POINT; THENCE 88°30'00" FROM EAST TO NORTH, A DISTANCE OF 300.92 FEET TO A POINT IN THE CENTERLINE OF WEST TANGERINE ROAD; THENCE 90°35'30" FROM SOUTH TO EAST A DISTANCE OF 867.20 FEET TO A POINT IN THE EAST LINE OF TRACT 9, BLOCK I; THENCE 89°55'45" FROM WEST TO SOUTH, A DISTANCE OF 120.00 FEET TO A POINT; THENCE 90°04'15" FROM NORTH TO WEST A DISTANCE OF 198.50 FEET TO A POINT; THENCE 90°04'15" FROM EAST TO SOUTH, A DISTANCE OF 200.0 FEET TO A POINT; THENCE 89°55'45" FROM NORTH TO EAST, A DISTANCE OF 198.50 FEET TO A POINT IN THE EAST LINE OF TRACT 9; THENCE 89°55'45" FROM WEST TO SOUTH, A DISTANCE OF 279.73 FEET TO THE POINT OF BEGINNING.

LESS HOWEVER, THE SOUTHERLY 125 FEET THEREOF FOR ROAD RIGHT-OF-WAY.

ALSO, LESS, A PARCEL OF LAND IN TRACT 9, BLOCK I, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURTH, IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, AT PAGE 29; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 9; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 722.65 FEET TO A POINT; THENCE NORTHERLY ALONG A LINE AT AN ANGLE TO THE SOUTH LINE OF SAID TRACT 9 OF 87°24'30", AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 125.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY, ALONG SAID LINE, A DISTANCE 195.01 FEET TO A POINT; THENCE, EASTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 237.01 FEET TO A POINT; THENCE SOUTHERLY AT AN ANGLE TO THE PRECEDING LINE OF 89°24'30", AS MEASURED FROM WEST TO SOUTH, A DISTANCE OF 195.01 FEET TO A POINT ON A LINE 125 FEET NORTH OF, AS MEASURED AT

RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 9; THENCE, WESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 237.01 FEET TO THE POINT OF BEGINNING.

ALSO, LESS, A PARCEL OF LAND IN TRACT 9, BLOCK I, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURTH, IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, AT PAGE 29; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 9; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 485.64 FEET; THENCE NORTHERLY, ALONG A LINE AT AN ANGLE TO THE SOUTH LINE OF SAID TRACT 9 OF $89^{\circ}24'30''$, AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 125.01 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUE NORTHERLY, ALONG SAID LINE, A DISTANCE OF 273.00 FEET; THENCE, EASTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 160.00 FEET; THENCE, SOUTHERLY AT AN ANGLE TO THE PRECEDING LINE OF $89^{\circ}24'30''$, AS MEASURED FROM WEST TO SOUTH, A DISTANCE OF 273.00 FEET TO A POINT ON A LINE 125.00 FEET NORTH AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 9; THENCE WESTERLY, ALONG SAID PARALLEL LINE A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH, A TEMPORARY EASEMENT FOR INGREE AND EGRESS OVER A STRIP OF LAND 60 FEET IN WIDTH LYING IN TRACT 9, BLOCK I, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, AT PAGE 29; SAID 60 FOOT WIDE STRIP BEING BOUNDED ON THE SOUTH BY THE SOUTH LINE OF TRACT 9, AND BEING BOUNDED ON THE NORTH BY A LINE 125 FEET NORTH OF AS MEASURED RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 9; THE CENTERLINE OF SAID 60 FOOT WIDE STRIP BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OR SAID TRACT 9; THENCE, WESTERLY, ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 499.64 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE NORTHERLY, ALONG A LINE AT AN ANGLE TO THE SOUTH LINE OF TRACT 9 OF $89^{\circ}24'30''$, AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 125.01 FEET TO THE TERMINUS OF SAID CENTERLINE.

ATTACHMENT B
Palms West Plaza Site Plan: SPA 2016-01
STATEMENT OF USE

The subject site is located at the northwest corner of Southern Boulevard and D Road with frontage on Southern Boulevard. The subject property consists of 7.96 acres. The current Future Land Use designation is CL-Commercial Low with underlying RR-5 (Rural Residential – one unit per five acres). The current Zoning District is CL-Commercial Low. No changes to the Future Land Use or Zoning District are proposed.

The Palm Beach County Petition Number given to the subject property is 1979-00240. The subject site received approval from the Palm Beach County Board of County Commissioners to rezone the property from AG-Agricultural District to CG-General Commercial District by way of Resolution R-79-1642 adopted November 27, 1979.

Additionally, the subject site received a special exception approval from the Palm Beach County Board of County Commissioners to allow a Planned Commercial Development, including a Daycare Center, Automobile and Farm Equipment Repair Facility and a Car Wash Facility by way of Resolution R-79-1643 also adopted November 27, 1979 subject to nine (9) conditions of approval.

Last, the subject site received a special exception approval from the Palm Beach County Board of County Commissioners to redesign the site plan and to include a large scale community shopping center in excess of 50,000 square feet of total floor area and an automobile service station by way of Resolution R-88-1546 adopted on September 27, 1988 subject to twenty-three (23) conditions of approval.

The Town of Loxahatchee Groves was created and established effective November 1, 2006. The subject site lies with the Towns boundary, and is thus under the jurisdiction of the Town. Noted, the Towns Charter calls for the Palm Beach County resolutions for the subject property to remain in place; therefore, the subject property is vested per the previous resolutions and certified site plan on file with Palm Beach County.

The certified site plan for the subject property is titled "Loxahatchee Country Plaza Phase-2" and the site plan has several Zoning Review revisions dates, the most recent June 10, 2010. The uses identified on the certified site plan include a 7,400 sq. ft. Lease Parcel, 39,650 sq. ft. of Local Retail located in four (4) buildings, a 6,000 sq. ft. Day Care Center building, and a 4,575 sq. ft. Post Office building for a total of 57, 625 sq. ft. Additionally, 1,000 sq. ft. (35 chairs) is allocated for a Loxahatchee Mission (Church).

Per Section 25-005 of the Loxahatchee Groves Unified Land Development Code (ULDC), the purpose and intent of the Commercial Low zoning district is intended to allow for the development of a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas and public schools.

The uses proposed within the Palms West Plaza development are entirely consistent with the CL-Commercial Low Zoning District. The proposed site plan includes an existing 4,422 sq. ft. Retail building, an existing 10,133 sq. ft. Retail building, an existing 8,005 sq. ft. Retail building, and an existing 4,575 sq. ft. US Post Office building for a total of 27,135 sq. ft. that is currently located onsite.

Further, additional 7,940 sq. ft. and 12,200 sq. ft. retail buildings are proposed, and a 5,400 sq. ft. addition to the existing retail building at the back of the site is proposed for a total of 25,540 sq. ft. of proposed building area.

The total building square footage including existing and proposed is 52,675 sq. ft. All buildings are one- story in height. Based on the total 7.96 acre site, the total floor area ratio is 0.152.

The current certified site plan on file with Palm Beach County identifies a total of 57, 625 sq. ft. The proposed site plan identifies 4,950 sq. ft. less, and the proposed site plan will supersede the certified site plan if approved.

ATTACHMENT D
Palms West Plaza Site Plan: SPA 2016-01
CONDITIONS OF APPROVAL

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Conditions of Approval in previous approvals granted by Palm Beach County in Resolutions R-1642 and R-1643 are hereby revoked and replaced by the Conditions of Approval herein.
3. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Attachment C (Palms West Plaza Site Plan SP(A) 2016-01). The approved Site Plan, prepared by Wantman Group, Inc., is dated May 9, 2016. All modifications to SP(A) 2016-01 must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
4. Direct ingress and egress to the commercial development from Tangerine Drive shall be permitted provided that the Owner shall maintain the current road surface or provide a shellrock or asphalt surface, as determined by the Town. Tangerine Drive improvements provided by the Owner shall extent along the north side of the property from its western boundary to "D" Road.
4. The preserve area requirements may be incorporated within project buffer and/or interior open space areas and identified on the Final Landscape Plan.
6. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and approve the following plans for consistency with Site Plan SP(A) 2016-01: Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
7. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with the approved Site Plan SP(A) 2016-01: Site Plan, Landscape Plan, and Elevations.
8. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be filed with the Town prior to applying for an initial building permit.
9. A Unity of Title covering all property owners except the Post Office property shall be prepared and filed with the Palm Beach County Clerk of Courts prior to receiving the first building permit on either of the 7,940 sq. ft. or 12,200 sq. ft. buildings.
10. Access to Tangerine Drive shall be permitted, as indicated on the Site Plan dated May 9, 2016. The Property Owner or his assigns shall maintain Tangerine Drive in perpetuity.
11. A shopping center security plan, prepared in conjunction with the Palm Beach County Sheriff's Office (PBSO) shall be prepared and implemented by the Owner prior to applying for the first building permit.

USE LIMITATIONS

1. Land use and intensity of development on the property shall be regulated by the application of the following:
 - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.152 in order to accommodate a maximum of 52,675 sq. ft. of general commercial, and Post Office uses.
2. Building height shall be limited to one story.
3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
4. Consumption of alcohol shall occur only within the confines of commercial businesses that are licensed to sell alcoholic beverages.

ARCHITECTURAL

1. Architectural features and elevations shall comply with the “Palms West Plaza Architectural Features” documents prepared by Marchitectus Architecture Planning and Design..
2. The rear façade of the shopping center facing Tangerine Drive shall be given an architectural treatment consistent with the front façade.

ENGINEERING

1. Consistent with the Palm Beach County Traffic Performance Standards Review (TPS Review) dated July 24, 2014, and incorporated herein by reference, no building permits shall be issued after December 31, 2019 unless an updated TPS Review is issued by Palm Beach County extending the buildout date.
2. An Irrigation plan and civil engineering plans shall be included with documents approved to the Town Engineer for review and approval during the Land Development Review Process.
3. A comprehensive drainage report shall be submitted to the Town for review and approval as part of its land development review process.
4. A South Florida Water Management District Surface Water Management Permit shall be submitted to the Town as part of the Land Development Review Process.
5. All required impact fees and proportionate share costs for roadway improvements shall be paid as required by the Palm Beach County “Fair Share Contribution for Road Improvements Ordinance” according to a schedule determined by Palm Beach County.
6. The Owner shall be responsible for surface water management along the north side of the property to “D” Road.

LAND CLEARING AND LANDSCAPING

1. Any vegetation removal activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required vegetation removal permit application, a written statement, supplemented by appropriate graphics, shall be submitted detailing how the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities*" are satisfied.
2. Project landscaping shall conform to the Landscape Plan prepared by Wantman Group, Inc., dated May 5, 2016.

EXTERIOR LIGHTING

1. All lighting shall conform to the Photometric Plan dated February 24, 2015.
2. All exterior lighting shall be low intensity and directed downward and away from adjacent properties, and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable.

PARKING, LOADING, STORAGE AND DISPLAY

1. Site Plan SP(A) 2016-01 shall indicate 201 standard and 10 handicap parking spaces. Standard parking spaces shall be sized at 11' x 22.5' unless a variance is approved by the Town Council allowing a smaller size.
2. Paved parking on the property shall not exceed the code-required 201 standard spaces, 10 handicap spaces and one loading space.
3. No additional outdoor storage or display areas shall be permitted unless approved by the Town Council.
4. No parking shall be allowed along the rear of the shopping center.
5. Truck parking shall be limited to customers of shopping center businesses, tenant-owned delivery trucks and trucks unloading goods for shopping center businesses.

SIGNS

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*.
2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.
3. The number of monument signs shall be limited to the following:

- One shopping center free-standing monument signs at the project entrance drive at Southern Boulevard with a maximum sign face of 72 sq. ft.

4. No off-premises signs advertising businesses or activities within the shopping center shall be permitted.

UTILITIES AND SERVICES

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project expansion building permit.

2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy

3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.