



Town of Loxahatchee Groves

Town Council &

Palm Beach State College Board of Trustees

Workshop

Tuesday, November 15, 2011 at 7:00 p.m.

Palms West Chamber of Commerce – Community Conference Room
13901 Southern Boulevard

MINUTES

1. Opening

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:08 p.m. Present were Vice Mayor Ryan Liang and Councilmen Tom Goltzené, Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Boards and Committee Clerk Judy Rios, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance - Led by Mayor Browning
- c. Invocation - Given by Mayor Browning

2. Mayor's Welcome

Mayor Browning welcomed the attendees, staff and supporters with an invitation to have a productive meeting tonight. Mayor Browning then introduced Dr. Dennis Gallon.

3. Palm Beach State College

- a. **Introduction** – Dr. Dennis Gallon introduced the Palm Beach State College Board of Trustees William Berger, Esq., Chairperson, David H. Talley, Vice Chairperson, John F. Dowd, III, Wendy S. Link, Esq., Carolyn L. Williams, and Ariella N. Klein, Student Trustee.

Dr. Dennis Gallon mentioned that Palm Beach State College was committed to serving the educational and the training needs of this community, to move forward in becoming a permanent presence in this community area, and was committed to preserving the natural environment and establishing a presence as a good neighbor.

b. Project Approach & Conceptual Design – Zyscovich Architects

Colleen Walters with Urban Design, Planning Consultant for the Palm Beach State College, gave a brief summation of their due diligence, site investigation and master planning methods that had been completed. Ms. Walters noted that the consultants had been working very hard on knowing the property and preparing an analysis of the property to make sure that there was nothing that would prohibit the college from moving forward with this site.

She then introduced the Campus Master Planners Bernard Zyscovich, Jose Murguido, and Jorge Perez of Zyscovich Architects.

Mr. Zyscovich discussed what drove their philosophy and planning process. To find what is unique and authentic about the place and build the master plan around it. He noted that the intent of the college was an “open campus”. The entire campus feels like an open space and welcoming place.

Mr. Murguido went through the presentation of past projects in the surrounding area. He noted that this campus would be very rural in its character because it will turn out to be less than 10% of the building footprint that exists in other rural campuses. This campus was 75 acres, and the FAR was .2 with a building footprint of five (5) to seven (7) acres. The site would require 15 acres of wet retention and five acres of dry retention. The evolution would be a long-term development process of 50+ years with six phases. Development of the campus around basic plan principles and collaborate with community in using and protecting the natural resources of the area. He then turned the presentation over to Ms. Walters to discuss the vegetation on the project site.

Ms. Walters discussed some of the items that were brought up at the September Workshop, the desire of the Town Council to make sure that the rural character of the area and the property owners on the north side of Collecting Canal Road were continued and preserved. The majority of the vegetation along the northern edge of the property and especially along the western perimeter was primarily native vegetation – canopy of very mature slash pine, oak trees, etc. Ms. Walters believed that a minimum 50’ area was appropriate and adequate screening, so that the property owners on the north side of Collecting Canal Road would not know there was any development on the other side of the vegetative screening.

Mr. Zyscovich discussed the issue of no particular zoning within the code that was designed for a college campus or any kind of institutional.

Mr. Murguido presented the road accesses to the property off Southern Boulevard and B Road as well as pointed out the community benefits.

c. Approvals & Entitlements - Josh Long & Colleen Walters, Consultants

Ms. Walters mentioned that an issue needing to be addressed was the Comprehensive Plan and Zoning Code requirements for the property. The Town of Loxahatchee recently adopted a Comprehensive Plan Amendment on this property. The designation changed to MLU (multiple land use). As part of the approval it was specific as to what the uses could be and that did not include a college campus. To allow the college to locate on this property a Comprehensive Plan Amendment application would again need to be submitted and processed to change the land use to a designation that would allow for a college to locate on the site. What was proposed was that an application should be submitted to reinstate the RR-5 land use on the 75 acres that the college is going to purchase. The remaining property for commercial use was approved and received the MLU would get either a CL or CL-O. The RR-5 land use designation did allow for a public school; therefore, a college would be permitted. The RR-5 was the appropriate land use designation and would require that an application went before Town Council for consideration, action and ultimate adoption. The state already had an AR Zoning designation, and the AR designation also allowed for public schools. The zoning designation would not need to be amended. The zoning designation was also consistent with the RR-5 land use designation, which was a requirement of the state; so by changing the land use and retaining the AR zoning, the site would be ready for development for the college.

There was a minor issue of the Zoning Code not addressing colleges or universities. The Town Council would need to address how to recognize this land use in the Zoning Code. After speaking with Town Planner Jim Fleishman, we discussed a couple of ways to accomplish this recognition. Utilizing one of the Special Policies that was in the Comprehensive Plan may be the best approach. The Town could either do an amendment to the Unified Land Development Code or pursue variances from some of the regulations. They recommended the Town Council consider a Special Policy that would allow for the site to be developed under the state regulations that all colleges, university and educational facilities known as State Requirements for Educational Facilities (SREF). This could function as a Zoning Code.

Additionally, the other matter to come before Town Council would be the requirement for a Site Plan. Since the campus was going to be built within the next 50+ years, it was very difficult to speculate what buildings were going to look like in Phase 2 through 6. Ms. Walters requested that as part of a Special Policy, Town Council would allow the College to submit a Master Plan to the Town and this would be the controlling document for the development. It could include items such as the northern edge treatment and how that will be addressed, architectural guidelines, and it would become the blueprint for the future development of the site, but stopped short of actually showing the location of buildings and parking.

She requested the Town of Loxahatchee Groves support this campus site. This site was appropriate, and the Town would like Palm Beach State College to locate on the site. To reinstate RR-5 land use on this property would allow for land use, support special policies under

Special Policy 1.15, support the north edge treatment - 110' separation from Collecting Canal Road, and elimination of Tangerine Drive through the Palm Beach State College property.

d. Closing – District Board Trustee Wendy Link

Wendy Link explained how the Board of Trustees was responsible for determining the best location for their fifth and possibly the last campus for Palm Beach State College. She noted that this was very important for the Western Communities and that the Board of Trustee was not looking for the immediate needs, but the long term needs of the students and community.

4. Open Discussion

Mayor Browning stated that this was a public workshop and that Town Council would not be officially voting on anything. Public comments were encouraged and everyone was asked to fill out a Public Comment Card. Mayor Browning invited each Council Member to address their questions to the Board of Trustees.

Councilman Jim Rockett inquired what would be included in the Master Site Plan. His concern would be that the campus site resembled a concrete jungle. There was a lot of discussion on the buffer located on the northern end, which overshadowed the discussion on the southern end. He noted the benefit to the town in bringing in jobs to the area and asked for clarification on the 15 acres of wet retention and five (5) acres of dry retention. Councilman Rockett inquired on using property north of Southern Boulevard for storm water retention for the community.

Councilman Ryan Liang stated that he believed the Town Council supported having the campus located in Loxahatchee Groves, was willing to look into reinstating RR-5 Land Use and going to State Regulation as long as Town Council was still involved in the vision or guidelines. He expressed concerned about the buffer and Tangerine Drive. Tangerine was planned to go along the southern border. The Town could move Tangerine closer to Southern Boulevard. He felt that the negotiations were moving along and the parties could work something out on those 2 (two) issues.

Councilman Ron Jarriel supported the first three (3) of the five (5), but the north edge buffer expressed his concern with the height of the buildings, but that it could be discussed during the Master Plan. His other concern was regarding the 300'. The 300' was going to be for a commercial development and he understood that Palm Beach State College did an excellent job at maintaining things natural, but would need to discuss the 50' vs. 300'. He wanted to definitely move forward. He had some concern for the residents on the north side of Collecting Canal Road. He said a college in the Western community was needed. He believed this would pull all the western communities together. Town Council had the opportunity to put something back into Palm Beach County that would give us jobs, economy, value of property, etc.

Councilman Tom Goltzené enjoyed the presentation and agreed with many of the Board of Trustee's goals. He noticed in the presentation that there seemed to be a misunderstanding of the purpose of the buffer. The buffer was an addition to, not as an alternative to, the other types of mitigation, water retention, native land preservation that was required otherwise in the ULDC. When we did get to the Site Plan, it was going to be a dedicated property – not yet been worked out – for the purpose of a park for the Town. When MLU proposal was brought to Town Council, there was to be a park on the north and a main street, no intense development. Developers told the Town that we were going to receive real estate tax revenue and the main street; and in addition to the main street, there was going to be a joint responsibility on the part of the two (2) properties on either side of B Road to pave B Road from Southern Boulevard to Okeechobee. That has conspicuously not been addressed tonight. He noted the he had heard the recommendations of changes but heard to leave alone the out parcel - give you the buffer, give you the real estate tax and then leave the commercial property that has all those benefits that is grandfathered into the process – they would get commercial designation. We made a deal with the Simons in which we agreed to do “x” for them doing “y”. There were 4 (four) tangible things that we were suppose to receive that are now greatly curtailed or completely non-existent. Those issues need to be addressed in a way that was equitable for the Town. He said he could not currently support it, but would work with the College. Great presentation, but there were issues we need to work on. One in particular, was the .20 FAR was doubled of what I saw was in the chart for the other campus areas. Not sure if this was an error or if there was a reason why this was higher than what was in Palm Beach Gardens or the other campuses. In regards to State regulations vs. the Town's regulations, Councilman Goltzené said he would like to see a study that showed the differences without having to read this presentation. In regards to the paving of B Road, there were going to be two (2) developers that were going to be responsible. He said he would like to hear how Palm Beach State College was going to part of that development. If Town Council gave Palm Beach State College the approval to go ahead, he did not hear when B Road was going to be paved and by whom.

Ms. Walters addressed some of the comments. This was a new deal and Palm Beach State College was not involved in the last iteration of the land use amendment. When the Simons brought this property to Palm Beach State College for consideration, after reviewing many properties, Palm Beach State College ranked this property as #1. The College recognized that this was a new set of circumstances and was exactly what mandated the fact that this site would have to go back through a future land use amendment through the Town. Palm Beach State College would only be contracting to purchase a portion of the property, but the whole property would have to be reviewed as a part of the land use amendment. The Town Council would be reviewing both the request to reinstate the RR-5 as well as the request to grant CL/CL-O designation on the corner piece. There would not be an MLU anymore; it would be extinguished. The 75 acres that Palm Beach State College would be purchasing would have the RR-5 land use. The 20+ acres on the corner would have the CL/CL-O. It would come in as one application for the Town Council consideration. There will be multiple uses for the property but not processed as an MLU due to the fact that Palm Beach State College will own and use their piece of

property and the commercial developers will own and operate their piece of property. There would be joint agreements for access, drainage, utilities. In regards to the paving of B Road, the College understood that it would be a requirement for both Palm Beach State College and the commercial property owners as well as a requirement on the piece of property on the east side of B Road. An agreement would be required by all of the property owners to do the paving improvements.

Councilman Tom Goltzené expressed concern that with the three (3) property owners, paving was not going to get done until the last development was completed. Traffic was a big concern and paving should be addressed sooner rather than later. He said the Town Council preferred action rather than promises and expressed concern that it was the greenest spot in the Town and the parties were going to kill trees.

Ms. Walters addressed the park dedication recognizing that this was a different set of circumstances. The Town was getting 75 acres of community serving use. With the State financing that Palm Beach State College received, it cannot buy a property and dedicate it to another entity. It can offer an open campus, so the natural areas that were preserved could become available to the public – the library was accessible, computers and meeting rooms.

Ms. Link mentioned that she understood the frustration and was sympathetic, but Palm Beach State College did not make the previous promises but was willing to work with the Town to get back to what Palm Beach State College thought it was getting. The College would work to accommodate access, drainage, etc. for the neighboring parcels. In regards to the four (4) things the Town was promised, Palm Beach State College did not make those promises. Instead, the College was making different promises that would benefit the Town. In regards to the 300' buffer vs. the 50' buffer, she said that the College thought it was getting it. Those acres were a loss of useable space. The reason 75 acres worked for the College was because, it needed 75 acres – it wanted green space, a park and recreational fields that the community and students could use, but the College cannot do without the 300' buffer.

Mayor David Browning wanted to have Palm Beach State College as our neighbor and considered it a great asset to the community. In regards to B Road, he noted that the agreement was with the Simons. His concern was with the buffer and the residents living north of Collecting Road.

He believed that both parties could work together and wanted the 300' buffer to look natural not like a parking lot and buildings. Mayor Browning said he liked the idea that the campus would look like a park. In regards to Tangerine, he said it never was the intent to have a two (2) to (3) mile long commercial stretch through the Town that could go on the Simon's 20+ acre commercial parcel.

Mr. Zyscovich clarified that without knowing what the future held in regards to campus life, cars, parking lot, etc., Palm Beach State College did not want a "set" number of 50' or 300', but

rather wanted clarity for a number (same as the RR-5 number) that was the minimum with the clear understanding that over time or decades would allow the College the flexibility of possibly saving trees and putting something else in there like surface parking. Palm Beach State College's concern was getting constrained into a "straight jacket" and getting accused of not doing something that it agreed to do or argument that becomes unnecessary. The intent was to have as much buffer as possible that was as thick as possible, but have the flexibility when the College was creating this space.

Ms. Link was willing to discuss obtaining an average minimum of 50' and never going to the property line. Mayor Browning requested further discussion to make sure that the residents on that road were not looking into something that was not attractive.

Ms. Walters mentioned that the updated survey commissioned by the Palm Beach State College indicates that all of Collecting Canal Road was outside of the 60' right-of-way.

Councilman Ron Jarriel mentioned that the 60' right-of-way that Mr. Saunier of the Water Control District said that it included the canal and right-of-way, the water control easement. It had nothing to do with Collecting Canal Road. This was where Palm Beach State College could have input to the developer who was selling the property. B Road had always been Councilman Jarriel's priority. He said he was tired of taxpayers and citizens waiting until last to get what they deserved. B Road from Okeechobee to Southern Boulevard needed to be safe. The Town of Loxahatchee Groves wanted to have B Road paved and the developer to stand by what it agreed to already. Palm Beach County approved their commercial development this was a requirement – to pave B Road from Okeechobee to Southern Boulevard. The County supported the Town on the paving of B Road, and the Town wanted to hear from the developers, even though the College was not aware of this requirement. He did not have a problem with Tangerine as it did not go into the college, but in regards to it going across the entire property, did not think it was necessary especially if it is cutting across the college.

Councilman Jim Rockett requested a follow-up on a couple of things and a consensus from Town Council. The idea of Tangerine running through the entire property was not necessary. The Town understood that the College was not breaking agreements, but the College was hearing from Town Council the concerns they were facing. In regards to the 300' of buffer, the parties can work together and through these things.

Mayor David Browning asked the Board of Trustees if it had any questions for the Town.

Dr. Dennis Gallon stated that working with the community was what this is all about.

5. Public Comment

Bill Louda, 300 "E" Road, had been to all of Palm Beach State's campuses and considered the campus located on FAU one of the "prettiest places" on the FAC property. The College was a very good neighbor down there and suggested the Town consider a 2-story building and 2-story parking graded down to 1-story at the north. He said he was against Tangerine going all the way to western border because that shot Tangerine right into Indian Trails.

Dennis Lipp, North Road, said that the College and the Town could be good neighbors. Having the Rural Vista Guidelines followed throughout the campus would be positive for what the community wanted to look like. The residents did not want traffic traveling on Southern Blvd to see a sea of parking lots. Instead, they would like to see a buffer and the stores in back of the stores. Tangerine will meander through the Town. The Linear Park idea was a worthwhile idea. If the College took the green space coming off of Phase III and average that all in together, the College would probably have the 15 acres. Ms. Walters clarified that it was the intent to use some of the provisions of the Rural Vista Guidelines, but not all of the requirements of the Rural Vista Guidelines.

Nina Coming, E Road, expressed great concern for "green" building and something that worked with the environment. The movement of being part of the environment and teach these kids, being more organic. What I would like to see as part of us.

John Ryan, 3508 A Road, noted that the Simons were not balancing some of the major issues of the Town Council and Palm Beach State College. The fact was that they were receiving significant payment for 75 acres of speculative development land. The Simons did not inform Palm Beach State College that 15 acres would be for a possible buffer and getting commercial opportunity on 22 prime acres. He requested to see their active role in financing the B Road improvements and possibly buying some mitigating land on the south end of Collecting Canal Road. Their project was speculative in the future, and they were capitalizing on a commercial value of land much in excess of conventional land sales in this community. The 22 acres they reserved had now become more realistic valuable commercial property. He saw the Simons as part of these negotiations and hoped that the major concerns of the Town, mitigated lands to provide for a linear park, buffer, the paving of B Road became more the responsibility of the Simons rather than a burden for Palm Beach State College.

Grace Joyce, 3886 147th Avenue N, as a resident, planner & member of the Town's Local Planning Agency, said she was glad to see that we are going back to what this property was originally zoned and the land use. She said she was against the Mixed Land Use and noted the importance that everyone understood that any parcel that came in adjacent to Connecting Canal Road that had the RR-5 there was a 50' buffer required by our Comp Plan. What Palm Beach State College is proposing to build is what we are, you build it, maintain it and we get to use it. This is a subdivision first and as part of this subdivision we can put in some standards that prior to developing, they must do some improvement to B Road first. The persons making the money have a responsibility to the Town because they are benefitting from this improvement. Mr.

Zychovich mentioned that this is a diagram of intention. Palm Beach County School goes by the state plan/guidelines. As a courtesy to the municipalities, they do public hearings and sit down with the community and review the proposals. I suggest that we do this; we don't want to add other regulations and review requirement that the Town would have to do but we do want to see what they are going to build is consistent with the Town over the next 50 years.

Bob Bentz, Land Design South, noted that for 2½ years we had worked with the Town of Loxahatchee Groves on this comprehensive plan amendment. In September of 2010, we brought comprehensive plan amendment to the Town at the Workshop. The buffer ranged from 100' to 300'. Mr. Bentz said he never heard the word from the College. The concept was commercial along Southern Boulevard with residential of 19 homes behind it and linear park buffer area. Ultimately, this was approved with the Comprehensive Plan Amendment. When I was asked by Town Council about the rumors of the College going on this property, he said that if the Simons agreed to sell the property, if the college agreed to purchase the property, and if the Town agreed to allow them to build a facility on this property, there would be a college on this site. And if not, there would not be a college on this site. With the College now coming in and stating that it cannot dedicate 15' acres of the property to a buffer, but instead it was giving 75 acres of a Community Serving Facility. As a planner, he believed that was a great trade off. If the Town decided that the College needed the linear park, the College will say that they would not be able to go on the property. The college would go somewhere else, the Simons and MLU will remain and proceed for development plan. Honest discussion between what the Town was looking for and the College. We are not changing the rules of the game just coming in with a new and better proposal for development at that site. In regards, to the B Road, it remains our intent to construct at beginning at the project.

Frank Schiola, residence for 15 years, said the college was a good idea. It will have opportunity to expand its educational classes with vet classes since we are an equestrian area. He said he did not think that the 50' buffer will not work. He suggested getting feedback from residents in that area as they would have to live with the decision. Speaking from a standpoint of the Water Control District Supervisor, we addressed B Road intersection issues. He said he was looking for a commitment from the College and the Simons that they were going to take care of intersection improvements and the pavement of B Road. He noted that the Town Council was willing to work with the College, but as a community, it needed to know that there was some commitment from the College to address some of these concerns.

Mayor David Browning mentioned that there would be a separate meeting with Water Control Board, the College and the Town. We have a commitment from Mr. Bentz and the property owners that they were going to do B Road all the way to Okeechobee Blvd. He said he did not expect to make any decisions tonight nor the Board Trustees. This was a workshop about hearing each other out to address in the future. He then requested any comments by the Board of Trustees.

Mayor David Browning requested that the College's committee meet with the Town's Planning & Zoning Board to come back with some suggestions. If you need a consensus was needed, the Town Council could provide it.

Ms. Link stated that she understood, but it would give the Board of Trustees a good feel of where the parties with these five (5) issues.

Mayor David Browning believed it was the following two (2) items: (1) work together to get an average of the buffer across the top because the Town was getting a park; and (2) the 1.15 Objective – State Regulation for Education Facilities (SREF).

Ms. Zyscovich clarified that with SREF there was no option for the College and it had to comply.

Mayor David Browning requested response from Council Members.

Councilman Jim Rockett's response was that 1, 2 and 5 were OK, 3 was a work item, and with 4 gather all green space, buffer that was a park. He said he did not see any "sticky" points.

Councilman Ryan Liang requested work on the buffer and to obtain a minimum of 50' undisturbed.

Councilman Ron Jarriel stated that he could live with all 5.

Councilman Tom Goltzene's thoughts relative to the buffer was that he understood what the College was saying regarding the average, but wanted to make the point one more time that the buffer was over and above what would otherwise be required. The buffer was supposed to be 15 acres undisturbed and other requirements for drainage, natural preservation that already existed. His thought was that it was a 75 acre site that was going to be more than 15 acres of green open space. If that was the case, he said he was not opposed to it but would need an explanation, not tonight, but from staff relative to the support for special policies under Policy 1.15.

Mayor David Browning had no problem with the 5. It would be an area that would be wonderful to take a walk in, for community use and would be maintained well.

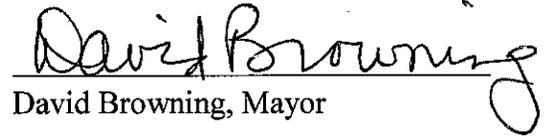
7. Adjournment

The meeting was **adjourned** at 9:56 p.m.

**These minutes were approved by the
Town Council on Tuesday, January 3, 2012.**



Judy Rios, Boards & Committees Clerk



David Browning, Mayor

SEAL