

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY NANCY C. DRYSDALE THE APPLICANT AND PROPERTY OWNER TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL 5 (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO COMMERCIAL LOW (CL) FOR FUTURE DEVELOPMENT OF PROPERTY ON 6.55 ACRES MORE OR LESS LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 2013-02), LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and;

WHEREAS, the Town of Loxahatchee Groves, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, adopted a Comprehensive Plan which has been found to be "in compliance" by, the State Department of Community Affairs (DCA); and,

WHEREAS, the Town's Planning Consultant recommends approval of the Land Use Amendment Application on Applicant's Property from the Rural Residential 5 Land Use Category to the Commercial Low Land Use Category, as set forth in a report to the Town Council, setting forth recommendations and conditions, which report is incorporated herein; and,

WHEREAS, Nancy C. Drysdale has applied to amend the property that she owns, 6.55 acres located at the northwest corner of Southern Boulevard and Loxahatchee Avenue, within the

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Town of Loxahatchee Groves, from the Rural Residential 5 Land Use Category to the Commercial Low Land Use Category (the “Application”); and,

WHEREAS, the application meets all conditions as a small-scale land use amendment pursuant to Section 163.3187, Florida Statutes; and,

WHEREAS, the Town of Loxahatchee Groves Local Planning Agency, at its meeting on December 12, 2013, conducted the required public hearing on this Amendment to the Town of Loxahatchee Groves adopted Comprehensive Plan and recommended approval; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted the required public hearing on this Amendment to the Town of Loxahatchee Groves adopted Comprehensive Plan; and,

WHEREAS, the reports, records, and materials from the public hearings to adopt Ordinance 2014-01 are incorporated herein and relied upon by the Town Council to the extent not inconsistent with this Ordinance; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has deemed it to be in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt an Amendment to the Town’s Adopted Comprehensive Plan in accordance with Chapter 163, Florida Statutes, concerning a Small-Scale Land Use Plan Amendment proposed by Nancy C. Drysdale, LLC, the Applicant and property owner, to change the designation of the subject use of land from Rural Residential 5 (1 du/ 5 ac) in the Town’s adopted Comprehensive Plan to the Commercial Low (CL) category, as recommended by the Town’s Planning Consultant and Local Planning Agency, to accommodate the future development on 6.55 acres more or less of land, for the property located at the northwest corner of Southern Boulevard and Loxahatchee Avenue,

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Loxahatchee Groves, Florida, as legally described in Exhibit "A" hereto.

NOW, THEREFORE, BE IT ORDAINED 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 the Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

SECTION 2: The Town Council has reviewed the application and finds the following:

1. The Amendment, as approved herein, is consistent with the goals, objectives and policies of the Town of Loxahatchee Groves Adopted Comprehensive Plan;
2. The characteristics of the surrounding area and the characteristics included in the proposed land use are compatible;
3. The Town of Loxahatchee Groves has the ability or will have the ability to provide necessary services for the additional demand for public facilities.

SECTION 3: The Town Council approves and adopts the recommendations of the Town's Planning Consultant and Local Planning Agency, which are attached and incorporated herein.

SECTION 4: The Small-Scale Land Use Plan Amendment to the adopted Comprehensive Plan of the Town of Loxahatchee Groves (Amendment No. 2013-02) approved by the Town Council, changing the land use from Rural Residential 5 (1 du/ 5 ac) in the Town's

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adopted Comprehensive Plan to Commercial Low (CL), as shown in Exhibit "A" hereto, is hereby adopted, subject to the conditions of the Planning Consultant's Report, which is adopted and approved and incorporated herein.

SECTION 5: The Town's Planning Consultant is further authorized and directed to make the necessary changes to the Future Land Use Map in the plan, in order to reflect the above-stated change.

SECTION 6: All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall become effective as provided in Section 163.3187(5)(c), Florida Statutes.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 14th DAY OF JANUARY, 2014.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 4TH DAY OF MARCH, 2014.

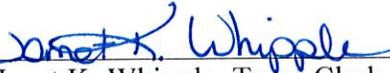
**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**


Mayor David Browning

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ATTEST:



Janet K. Whipple, Town Clerk

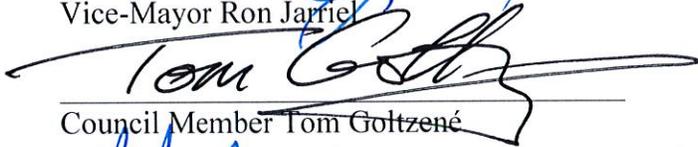




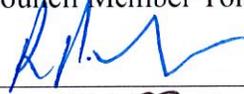
APPROVED AS TO LEGAL FORM:
Office of the Town Attorney



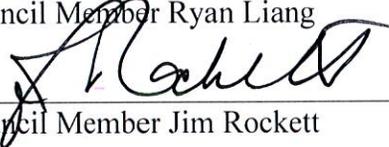
Vice-Mayor Ron Jarriel



Council Member Tom Goltzené



Council Member Ryan Liang



Council Member Jim Rockett

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EXHIBIT A – AMENDMENT 2013-02

- 1. Legal Description**
- 2. Future Land Use Map Amendment**

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1. LEGAL DESCRIPTION

LOT 208, LOT 209, LOTS 210 – 215, INCLUSIVE, PLAT ONE LOXAHATCHEE HOMES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 55, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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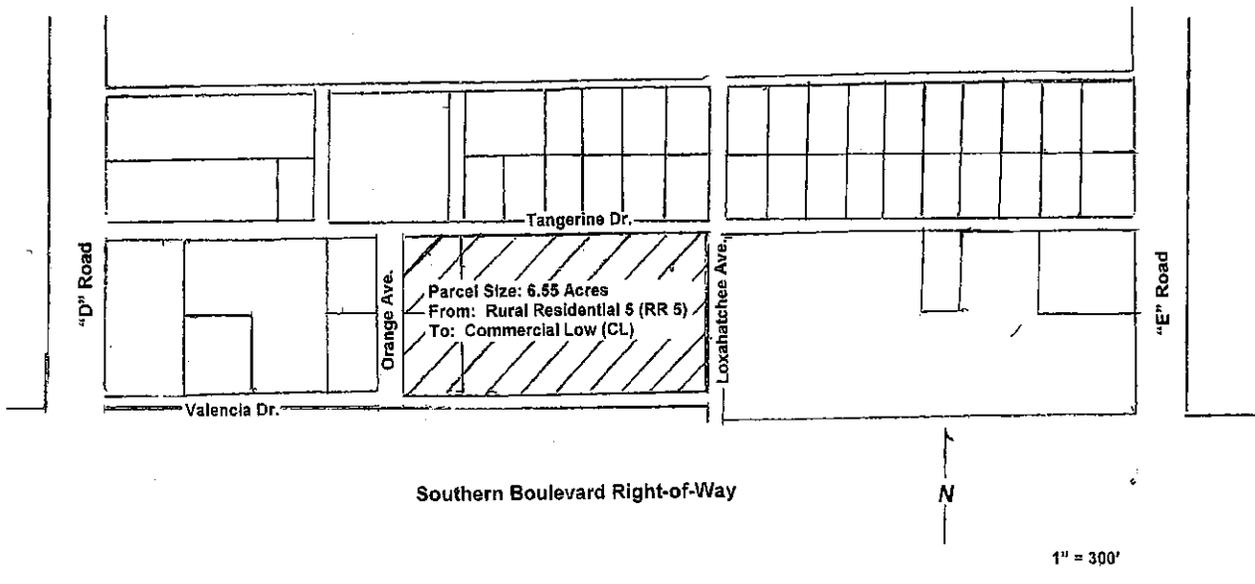
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2. FUTURE LAND USE MAP AMENDMENT CPA 2013-02

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2. FUTURE LAND USE MAP AMENDMENT CPA 2013-02



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MEETING
January 14, 2014; Rev: March 5, 2014**

AGENDA ITEM STAFF SUMMARY:

- 1. Small-Scale Comprehensive Plan Amendment (CPA)2013-2(SS); and**
- 2. Rezoning (REZ) 2013-3.**

Project Name: Drysdale Property.

Agent: Nancy Drysdale.

Applicant: Nancy Drysdale.

Owner: Nancy C. Drysdale, as trustee, under the Nancy C. Drysdale Revocable Trust Agreement dated September 19, 2005.

Parcel Control Numbers (PCN): 41-41-43-32-01-000-2080 (0.67 acres);
41-41-43-32-01-000-2090 (0.67 acres); 41-41-43-32-01-000-2100 (5.21 acres).

Project Location: Northwest Corner of Valencia Drive (Southern Blvd.) and Loxahatchee Avenue.

Size of Property: 6.55 acres.

Current FLU Map Designation: Rural Residential 5 (RR5).

Current Zoning Map Designation: Agricultural Residential (AR).

Existing Use: Single-family, in part; 1,751 sq. ft. residence; and vacant, in part.

Proposed Land Use Designation: Commercial Low (CL).

Proposed Zoning Designation: Commercial Low (CL).

Maximum Development Potential Proposed Land Use: 28,532 sq. ft. of CL space (6.55 acres x 43,560 sq. ft. per acre x 0.1 FAR)

Application Summary

The application has requested a joint change in the Future Land Use Map (FLUM) designation from Rural Residential 5 and the Zoning District designation of Agricultural Residential 1 (AR) to FLUM and Zoning District Map designations of Commercial Low.

Staff Finding and Recommendation

Following a review of the joint applications, Town Planning staff finds Amendments CPA 2013-02 and REZ 2013-03 to be generally consistent with the intent and direction of the Comprehensive Plan and the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) of the ULDC, and recommends approval of the following:

1. FLUM Amendment Application CPA 2013-2(SS); and
2. Rezoning Application REZ 2013-03.

However to insure consistency with the Town's planning documents and compatibility with surrounding land uses, Staff recommends approval of the proposed future land use amendment subject to the following conditions:

1. ~~Development of the property shall be limited to a maximum of 28,532 sq. ft. of commercial space.~~ A County Traffic Performance Standards (TPS) review, including a concurrency determination, shall be completed at the time of site plan review, when a specific plan of development is proposed, in order to establish traffic-based building potential and the timing thereof.*
2. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.
3. The Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the development design.
4. PalmTran shall be contacted during the site plan approval process to determine if a bus shelter is needed and feasible.
5. A vegetative survey, including a native plant and habitat inventory, shall be completed at the time of site plan approval, including identification of an appropriate mitigation and/or preservation program, as necessary.
6. Prior to submitting a site plan, the Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee shall be consulted regarding the incorporation of an equestrian trail within the development program.

* - Condition 1 revised by at second reading of Ordinance 2014-01 by the Town Council by striking the following wording: "Development of the property shall be limited to a maximum of 28,532 sq. ft. of commercial space".

Staff Report Summary

A. Adjacent Land Uses

Direction	Existing Uses	FLU and Zoning Designations
North	Tangerine Drive. Beyond Tangerine Drive are 6 0.35 acre lots (Five with a single family residence and one vacant). To the west is a 2.06 acre parcel owned by the School District	Rural Residential 5 FLU and Agricultural Residential AR zoning
South	Valencia Drive and Southern Boulevard rights-of-way.	NA – Road rights-of-way
East	Loxahatchee Avenue. Beyond Loxahatchee Avenue is a vacant 9.23 acre property with the following development approval: Southern Crossings MUPD: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.	Commercial Low Office (CL-O) FLU and Multiple Use Planned Development (MUPD) zoning (County zoning designation).
West	Orange Avenue. Beyond Orange Avenue are two 0.54 acre lots (One with a single-family residence and one vacant)	Rural Residential 5 FLU and Agricultural Residential AR zoning.

B. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Property can be served by County central water/wastewater along Southern Boulevard. Letter from County provided (Attachment Q of the FLUM Amendment Application).
Surface Water Management	Drainage statement provided (Attachment H of the FLUM Amendment Application). Property currently drained by sheet flow to adjacent public rights-of-way. The property is within the SFWMD C-51 Basin. A drainage system will be designed to meet the requirements of SFWMD, LGWCD and Palm Beach County in order to incorporate all measures necessary to assure that there will be no adverse effects on the on-site collection system, neighboring properties, or a receiving body. A portion of the property is the #1 ranked priority site for a pond in Drainage Basin 7 for the State Road 80 widening project.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Traffic impact statement provided by Town Traffic Engineer (Attachment D of the FLUM Amendment Application) which determines no significant impact on Southern Boulevard. Applicant must comply with the County's Traffic Performance Standards Ordinance when a site plan including a specific plan of development is proposed.
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 (Attachment P of the FLUM Amendment Application) indicating an estimated response time less than the average for the nearest station.

C. Environment

Item	Summary
Natural Resources	The applicant states that the property has no wetlands or surface waters and has been previously cleared and filled and periodically mowed (Attachment M of the FLUM Amendment Application). Existing vegetation is primarily upland grasses, with limited areas of Cabbage Palm, Slash Pine, and exotics, including Brazilian Pepper.
Historical Resources	Letter from the County Archaeologist provided(Attachment O of the FLUM Amendment Application) stating that there are no known archaeological sites on or within 500 feet of the property
Flood Zone	Zone X-500, per Map # FLU 1.5 of the Comprehensive Plan (Attachment K of the FLUM Amendment Application). Zone X-500 is the area lying between the limits of the 100-year and 500-year flood; or certain areas subject to the 100-year flood with average depths of less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the 100-year flood.

D. Comprehensive Plan Consistency

Proposed amendment CPA 2013-2(SS) and rezoning REZ 2013-03 are generally consistent with 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.

E. Zoning Requirements: CL Zoning District

Regulation	Standard	Property Complies?
Minimum lot size	1 acre	Yes
Frontage and Access	Paved Collector or Arterial	Yes
Minimum frontage/width	150 feet	Yes
Minimum depth	150 feet	Yes
Maximum Floor-Area-Ratio	0.10	Yes
Maximum building and roofed structures lot coverage	25%	Yes
Front setback	50 feet	Yes
Side setback	25 feet	Yes
Side street setback	25 feet	Yes
Rear setback	50 feet	Yes
Minimum pervious area	30%	Yes
Maximum building height	35 feet	Yes

F. ULDC Section 160-020 Rezoning Criteria

A rezoning petition is reviewed in accordance with the following criteria:

1. Must comply with both of the following:

Criterion	Can Property Comply?
Consistency with the Comprehensive Plan	Yes – See Item D Above
Approval would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts.	Yes – Other properties along Southern Boulevard either have commercial zoning or can meet the criteria to apply for rezoning. Adjacent property to the east has a commercial zoning approval

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

Criterion	Can Property Comply?
An error or ambiguity must be corrected	Not Applicable
There exists changed or changing conditions which make the approval of the request appropriate.	Yes – Southern Boulevard is currently a 4-lane divided major arterial roadway and programmed to be expanded to 6-lanes in FY 2017/18
Substantial reasons exist why the property cannot be used in accordance with the existing zoning.	Yes - The Loxahatchee Homes Plat 1 was originally filed in 1949. At that time Southern Blvd. was a 2-lane road. It is now 4-lane and soon to be expanded to 6-lanes. Southern Boulevard corridor frontage has seen virtually no residential development activity in the past 50 years.
The rezoning is appropriate for the orderly development of the Town and is compatible with existing and conforming adjacent land uses, and planned adjacent land uses.	Yes – The rezoning is consistent with Comprehensive Plan directives for future development along Southern Boulevard and compatible with the approved Southern Crossings MUPD property to the east. The low floor-area-ratio provides opportunities for buffering of residential properties to the north and west.

G. ULDC Section 110-025(B). Minimum required information.

Requirement	Response
Vehicular and pedestrian access	Property is bordered by four roads: Southern Boulevard (Valencia Drive); Tangerine Drive; Loxahatchee Avenue; and Orange Avenue. Potential access available from each of these roads. No proposed site plan at this time.
On-site circulation	To be determined at the time of site plan approval.
Parking	To be determined at the time of site plan approval.
Proposed roadway or easement vacations or road closures	Potential easement vacation of Valencia Drive
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	To be determined at the time of site plan approval, including Traffic Performance Standards (TPS) review and Concurrency determination.

H. Compatibility

An inventory of land uses adjacent to the subject property is presented in Section A. All adjacent properties lie beyond street rights-of way. Properties to the west and north are currently assigned Future Land Use designations of Rural Residential 5 (density of one dwelling unit per five acres) and Zoning designations of Agricultural Residential (AR). Actual densities are considerably higher, however, as all properties are considerably smaller than 5 acres (i.e. 0.35 to 0.54 acres each).

The adjacent property to the east, beyond Loxahatchee Avenue, is a vacant 9.23 acre property (i.e. Southern Crossings MUPD) with the following development approval: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can compliment and support each other. For example, a residential use can help support a commercial use and, conversely, the

commercial use can provide essential goods and services to residents of surrounding neighborhoods.

Separation of potentially incompatible uses can act to fully or partially mitigate potential incompatibilities. To the west and north the subject property is separated from adjacent residential properties by fifty foot rights-of-way (i.e. Orange Avenue and Tangerine Drive).

In addition to separation of uses, access management, buffering, screening, setback, height, landscaping, and architectural requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

A review of the subject site vicinity leads to the conclusion that the area is comprised of a mixture of existing and planned land uses along Southern Boulevard, including commercial (retail and office), institutional (government) and recreation with moderate intensity (i.e. 2 to 3 units per acre) residential and agricultural uses behind the frontage.

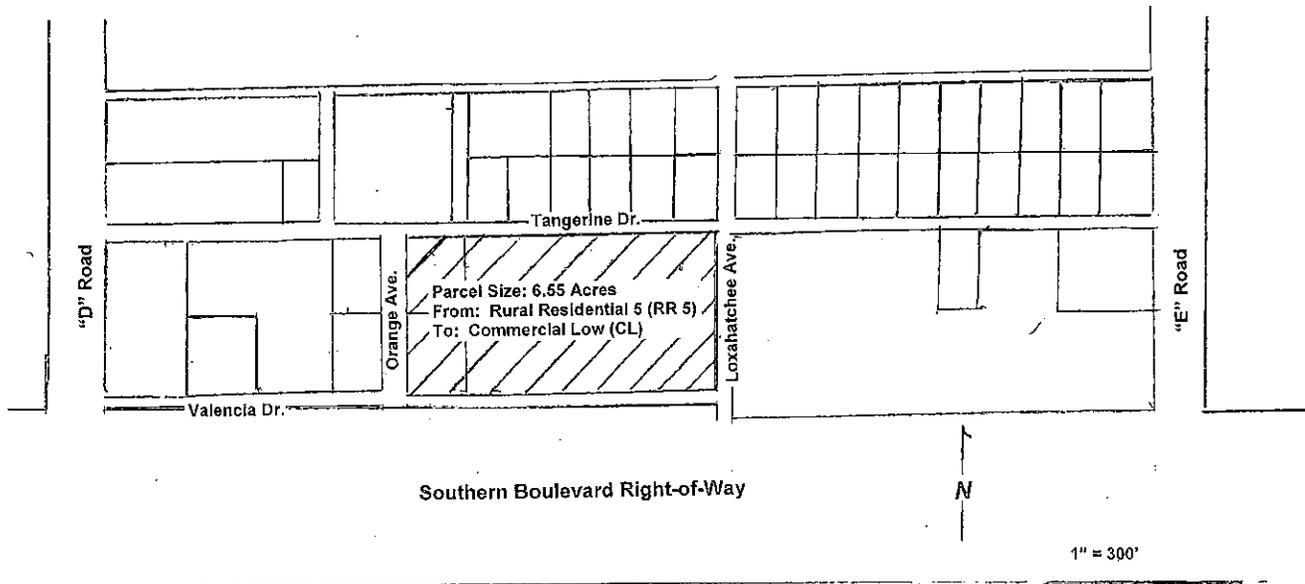
The CL Future Land Use and Zoning designations (maximum intensity of 0.10 F.A.R.) provides the Town with an opportunity to establish rural-style commercial uses along Southern Boulevard. Comprehensive Plan directives (Ref: Section VII. B for further discussion) regarding compatibility with neighboring properties and implementation of Rural Vista Guidelines directives (Ref: Section D), along with implementation of buffering and screening techniques during site plan review, can be used as the basis to insure compatibility.

Local Planning Agency (LPA) Recommendation

The LPA, at its meeting of December 12, 2013, recommended that the Council approve CPA Amendment 2013-02(SS) and REZ Amendment 2013-03, each by a 2 – 1 vote.

Proposed FLUM and Zoning Map amendments are presented in Attachments A1 and A2.

**ATTACHMENT A1
FUTURE LAND USE MAP AMENDMENT: CPA 2013-02(SS):
DRYSDALE PROPERTY**



**ATTACHMENT A2
ZONING MAP AMENDMENT REZ 2013-03:
DRYSDALE PROPERTY**

