

TOWN OF LOXAHATCHEE GROVES

PLANNING AND ZONING BOARD

MEETING AGENDA

Thursday ~ March 17, 2016

Chair Dennis Lipp

Vice- Chair Robin Crawford

Board Member Lawrence Corning

Board Member Grace Joyce

Board Member Veronica Close

Alternate Karen Piesley

Alternate Joyce Batcheler

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



Town of
LOXAHATCHEE GROVES

Town of Loxahatchee Groves

Planning and Zoning Board Meeting

Thursday, March 17, 2016, at 7:00 p.m.

Town of Loxahatchee Groves

155 "F" Road, Loxahatchee Groves, FL 33470

TENTATIVE -
SUBJECT TO
REVISION

Chair Dennis Lipp
Vice-Chair Robin Crawford
Board Member Lawrence Corning
Board Member Grace Joyce
Board Member Veronica Close
Alternate Member Karen Piesley
Alternate Member Joyce Batchelor

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Planning Consultant Jim Fleischmann

The Planning & Zoning Board meets on the 2nd or 3rd Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA).

PUBLIC NOTICE/PLANNING AND ZONING BOARD AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Approval of Agenda

2. MINUTES – February 18, 2016

3. OLD BUSINESS: (Public Comment will be permitted on agenda items prior to P & Z vote).

- a. Palms West Plaza Site Plan Amendment Application SP(A) 2016-01 (discussion)

4. NEW BUSINESS: (Public Comment will be permitted on agenda items prior to P & Z vote).

- a. Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02

- 5. COMMENTS FROM THE PUBLIC**
- 6. COMMENTS FROM THE MEMBERS**
- 7. ADJOURNMENT**

The next Planning and Zoning Board Meeting is to be determined.

Comments Cards: Anyone from the public wishing to address the LPA 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 LPA 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
Planning & Zoning Board
Thursday, February 18, 2016, at 7:00 p.m.

MEETING MINUTES

Chair Dennis Lipp
Vice-Chair Robin Crawford
Board Member Lawrence Corning
Board Member Grace Joyce
Board Member Veronica Close
Alternate Member #1 Karen Piesley
Alternate Member #2 Joyce Batcheler

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Planning Consultant Jim Fleischmann

AGENDA

1. OPENING

- a. Call to Order & Roll Call

Chair Dennis Lipp called the meeting to order at 7:02 p.m. Present were Vice Chair Robin Crawford, Board Members Grace Joyce, Veronica Close and Alternate Member Karen Piesley. Alternate Member Joyce Batchelor was absent.

Staff Present: Town Manager Bill Underwood, Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

- b. Approval of Agenda

Page 2 of 4 in the minutes was corrected to stated "Board Member Joyce" rather than Board Member Grace. Board Member Joyce asked the Clerk to check the video regarding her comment on RV's as she felt the comment as written was not exactly what her comment was. Board Member Close stated she was not present at the last meeting and had two questions from page 3 and page 4 of the minutes. Her questions were responded to by Manager Underwood.

Motion: a motion to approve the agenda was made by Board Member Close and seconded by Vice Chair Crawford. Motion passed 5 – 0.

2. MINUTES – November 12, 2015

Motion: a motion to approve the minutes, as discussed, was made by Board Member Close and seconded by Board Member Joyce. Motion passed 5 – 0.

(Public Comment will be permitted on agenda items prior to P&Z vote)

3. **OLD BUSINESS** – none

4. **NEW BUSINESS:**

a. Palms West Plaza Site Plan Amendment Application SP(A) 2016-01

Town Planning Consultant Fleischmann advised the Board that this was an unusual project and a little different than the usual site plan amendments. There was an existing plaza that had been approved by Palm Beach County prior to 1988. There had been amendments to that plan, with conditions that needed to be discussed/revised/deleted, since some were conflicting. Then new conditions would be incorporated for this amendment. Mr. Fleischmann suggested this meeting be used as a workshop to give the Applicant direction, then come back in March for formal approval.

Board Member Close requested that future site plans should come with a full size hard copy of the plans to make review easier. Suggestion was duly noted.

The Board questioned the hash marks on the original plan. Richard Donafrio, with WGI on behalf of the Applicant, stated the “green” were buildings proposed but never built, and the “blue” was the post office. There were existing right and left turns onto Southern and the Applicant was requesting an additional one onto Tangerine. The Board’s largest concern was the existing old oak trees that would be taken down based on the present expansion layout. The Board felt strongly that these old trees should be preserved and lengthy discussion between the Board and the Applicants took place on ideas for restructuring the layout of the buildings in order to preserve the trees.

In reviewing all the conditions in Attachment E2 (PBC Resolution R-1643 Zoning & Special Exception), the following comments were made:

- 1) R/O/W on SR80 has already been taken care of with expansion plans
- 2) This condition will go away when Southern is widened
- 3) Main access road – would need DOT authorization
- 4) These also would need to rely on DOT comments
- 5) These also would need to rely on DOT comments
- 6) Comprehensive drainage report – has submitted statement but need more detailed paving & drainage information
- 7) Fair Share Contribution for Road Improvements – the figures listed are old and they needed to be revised
- 8) This condition should remain
- 9) Maintain Tangerine perpetually – the new plans show two 30ft easements. There was a lot of discussion on what “maintain” meant. Town Engineer had recommended paving the road, but the Attorney had concerns. After discussion, consensus of Board was to allow access to Tangerine.

SPECIAL EXCEPTION CONDITIONS:

- 1) This condition would be deleted and added to new conditions
- 2) Parallel parking would be min. of 22 feet in length – suggestion was made to reduce one space (250sf) and save the tree located in this section.
- 3) Unity of Title – Board felt this should have been done already. Mr. Fleischmann stated he would talk to the Attorney.
- 4) through 7) Conditions should remain
- 8) No further clearing shall take place on site – this would need to be amended. Mr. Fleischmann stated he was inclined to recommend deleting this condition.
- 9) Generation & disposal of hazardous effluents – this condition needed to be updated
- 10) This condition was included in the developer’s agreement and could be deleted
- 11) Sewers – this condition should be deleted
- 12) This condition had already been deleted in previous amendment
- 13) Another reference to “Fair Share Contribution” – needed to be updated
- 14) Stormwater runoff – this should be in line with current standards
- 15) No access to Tangerine – this should be deleted
- 16) Contribution to PBC Roadway Improvement Plan – amounts need to be updated
- 17) Traffic Study – Applicant had a current PBC TPS Letter which did not expire until 2/21/2019
- 18) Min. of gross leasable area for office space – this should be deleted
- 19) Florida DOT plan for SR80 – this should be deleted since Applicant cannot revise DOT plans
- 20) through 23) Conditions should remain

5. **COMMENTS FROM THE MEMBERS**

Chair Dennis Lipp stated the issue of traffic on Tangerine could be mitigated with a Traffic Light at D Road and Southern. Mr. Fleischmann responded that DOT had denied this request.

Board Member Veronica Close stated the architectural design of the long building might look better if they broke up the massing a bit. It looked like horse stalls.

The Applicant asked if there was a guideline for the color scheme – the same or different colors for each building. Mr. Fleischmann referred to the Day Property recently built as a good reference.

The Board then discussed “rural vista” guidelines. Mr. Fleischmann responded that guidelines had been designed as part of the Okeechobee Boulevard overlay; however, the Council had tabled that for now. The Board suggested that the rural vista portion should be extracted and moved forward with separately.

Motion: a motion to request the Council extract the “rural vista” portion of the Okeechobee Overlay ordinance and move forward with a separate ordinance was made by Board Member Close and seconded by Board Member Corning. Motion passed 5 – 0.

Mr. Donafrio thanked the Board for their comments and they would return with an alternate plan that hopefully would save as many of the old trees as possible.

6. ADJOURNMENT

Having no further business and hearing no further comments, the meeting was adjourned at 9:33 pm.

The next Planning and Zoning Board Meeting is to be determined.

**Town of Loxahatchee Groves, Florida
Planning and Zoning Board Agenda Item Report**

AGENDA ITEM NO. 3.a.

PREPARED BY: Jim Fleischmann

SUBJECT: Palms West Plaza Site Plan Amendment Application SP(A) 2016-01

1. BACKGROUND/HISTORY:

Problem Statement: The P & Z Board should review the Site Plan Amendment application.

Problem Solution: Review and comment regarding issues raised at the 2/28/2016 meeting .

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 (Ref: Exhibit 1) 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 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 (10,700 sq. ft. and 12,185 sq. ft.); and (4) a 5,405 sq. ft. expansion to the existing 8,005 sq. ft. building. A total of 55,425 sq. ft. of building area is proposed; a reduction of 2,200 sq. ft. from the current County approval.

3. ATTACHMENTS:

1. None – Issues to be presented and discussed at the P & Z meeting: Access to and paving of Tangerine Drive, preservation of native trees, architectural style, FDOT comments regarding Southern Boulevard improvements.

4. FINANCIAL IMPACT:

Work on this project is funded by a Cost Recovery Account funded by the Applicant

5. POTENTIAL ACTIONS BY THE P & Z BOARD :

1. Recommendations regarding issues discussed.

**Town of Loxahatchee Groves, Florida
Planning and Zoning Board Agenda Item Report**

AGENDA ITEM NO. 4.a.

PREPARED BY: Jim Fleischmann

SUBJECT: Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02

1. BACKGROUND/HISTORY:

Problem Statement: The P & Z Board should review the Site Plan Amendment application.

Problem Solution: Recommend approval, approval with conditions or denial of the application.

2. CURRENT ACTIVITY:

Groves Medical Plaza was granted zoning and Class A Conditional Use approvals by Palm Beach County on January 26, 2006 (Resolution R-2006-0157). The Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses. The Applicant has requested revisions to Palm Beach County Resolution 2006-0157 and the approved Grove Medical Plaza Site Plan dated April 26, 2006 to allow non-medical professional office tenants, as well as medical office tenants, within the approved space. The proposed amendments will allow the greatest flexibility in leasing the built space. No increase in the approved amount of space (22,342 sq. ft.) is proposed.

3. ATTACHMENTS:

1. Staff Summary: Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02

4. FINANCIAL IMPACT:

Work on this project is funded by a Cost Recovery Account funded by the Applicant

5. POTENTIAL ACTIONS BY THE P & Z BOARD :

1. Recommend approval of SP(A) 2016-02
2. Recommend approval of SP(A) 2016-02 subject to conditions of approval.
3. Recommend denial of SP(A) 2016-02.

STAFF RECOMMENDATIONS:

Staff finds the Applicant's request consistent with the Town's Comprehensive Plan and previously approved Site Plan and recommends approval of Site Plan Amendment Application SP(A) 2016-02, as detailed on page 3 of the attached Staff Summary.

It is further recommended that the Applicant file a rezoning application from Palm Beach County Limited Office Commercial to Loxahatchee Groves Commercial Low Office within 60 days of the approval by the Town Council of SP(A) 2016-02.

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
March 17, 2016**

AGENDA ITEM 4.a. STAFF SUMMARY:

1. Site Plan Amendment Application SP (A) 2016-2 Groves Medical Plaza

Project Name: Groves Medical Plaza Site Plan Amendment.

Agent: Ryan Johnston/Johnston Group Group, Inc.

Applicant: Groves Medical Plaza, LLC/Michael Porter.

Owner: Groves Medical Plaza, LLC/Michael Porter.

Parcel Control Numbers (PCN): 41-41-43-33-05-001-0000.

Project Location: 13475 Southern Boulevard; Northeast corner of Southern Boulevard and “F” Road.

Size of Property: 3.43 acres.

FLU Map Designation: Commercial Low Office (CL-O)

Zoning Map Designation: Commercial Low Office (CL-O)

Existing Use: 22,342 sq. ft. medical office facility.

Maximum Development Potential: 22,342 sq. ft. medical office facility sq. ft. per Palm Beach County Resolution R-2006-0157; 0.14 F.A.R.

2. Approval History

The subject site was granted zoning and Class A Conditional Use approvals by Palm Beach County on January 26, 2006 (Resolutions R-2006-0157). The Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses (Ref: Attachment A: Resolution 2006-0157 and Grove Medical Plaza Site Plan dated 4/26/2006).

Exhibit C of Resolution 2006-0157 contains Conditions of Approval, including the following:

- “PLANNING
 1. The site shall be limited to medical office uses only (ONGOING: MONITORING – Planning).”; and

- “USE LIMITATIONS

1. Development and use of the site is limited to a medical or dental office and shall not be modified unless approved by the BCC (ONGOING: ZONING – Zoning).”

The previously approved site plan (Attachment A), including Conditions of Approval, is grandfathered 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 approved site plan titled “Grove Medical Plaza” dated April 26, 2006 and Conditions of Approval in Resolution 2006-0157 are vested until they are rescinded or amended by the Town Council.

The final certified site plan contains a single 2-story 22,342 sq. ft. medical office building at a floor-area-ratio (F.A.R.) of 0.14. The approved F.A.R. complies with the Town’s Commercial Low Office (CL-O) District which allows a maximum F.A.R. of 0.20.

3. Application Summary

The Applicant has requested revisions to Palm Beach County Resolution 2006-0157 and the approved Grove Medical Plaza Site Plan dated April 26, 2006 to allow non-medical professional office tenants within the approved space. The proposed amendments will allow the greatest flexibility in leasing the built space. The Site Plan and Conditions of Approval currently limit tenants to medical and dental businesses. No increase in the approved amount of space (22,342 sq. ft.) is proposed. The Application states the following in support of the proposed amendments:

1. “Section 95-010(B) of the Town’s Unified Land Development Code (ULDC) provides the minimum parking space requirements for Commercial uses. Offices (e.g. business, professional, medical) require one parking space per 250 square feet. The corresponding parking requirement for the 22, 342 SF Groves Medical Plaza is 90 spaces. The project as constructed provides for a total of 112 parking spaces. Accordingly, ample parking is provided for both professional and medical office uses pursuant to the Town’s requirements.”

2. “Likewise, traffic trip generation for medical office uses is higher than that of professional office uses. The proposed change to allow professional and/or medical office use would not result in an increase in traffic generation generated by the project.”

4. Submitted Support Documents

Item	Content
Submittal Letter (2/1/2016)	Request for Site Plan Amendment approval. Revised Conditions of Approval and Site Plan – Groves Medical Plaza
Resolution No. R-2006-0157	Approval of Class A Conditional Use for Grove Medical Plaza
Existing Certified Final Site Plan	Site Plan as of most recent revision date – 4/26/2006. Approval of 22,342 sq. ft. of 2-story medical office space
Proposed Revised Site Plan dated 1/14/2016	Revised Site Plan indicating approval of a two-story 22,342 sq. ft. professional/medical office building.
Proposed Amended Site Plan dated 7/24/2014,	Includes 3 existing commercial buildings (22,560 sq. ft.), existing Post Office (4,575 sq. ft., and commercial center expansion – 2 additional buildings (22,885 sq. ft.), and an expansion (5,405 sq. ft.) of an existing commercial building. Total space = 55,525 sq. ft.

5. Staff Finding and Recommendation

Staff finds the Applicant’s request consistent with the Town’s Comprehensive Plan and previously approved Site Plan and recommends approval of Site Plan Amendment Application SP(A) 2016-02, as follows:

1. Approval of the following two amendments to the Conditions of Approval of Resolution 2006-0157 as follows (text additions are indicated by underline and text deletions are indicated by ~~strikethrough~~):

- “PLANNING
 1. The site shall be limited to professional and/or medical office uses only (ONGOING: MONITORING – Planning).”; and
- “USE LIMITATIONS
 1. Development and use of the site is limited to a professional, medical and/or dental office uses and shall not be modified unless approved by the ~~BCC~~ Town Council (ONGOING: ZONING – Zoning).”
 2. Approval of Grove Medical Plaza Site Plan Amendment (SP 1 of 2) dated January 14, 2016.

6. Planning and Zoning Board (PZB) Recommendation

At its March 17, 2016 meeting, PZB voted to recommend approval/denial by a x – y vote.

7. Staff Report Summary

a. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	NA - PBCWUD is the potable water and wastewater provider for the property.
Surface Water Management	NA - Drainage system in place
Solid Waste Disposal	NA - Applicant has a contract with private hauler for collection.
Transportation	NA - Applicant concludes that the proposed change to allow professional and/or medical office use would not result in an increase in traffic generation by the project. The Town’s Traffic Consultant (Simmons and White) has confirmed this conclusion.

b. Environmental Impacts – Not Applicable

c. Comprehensive Plan Consistency

The subject property currently is assigned a Town Commercial Low Office (CLO) Future Land Use Map designation and a Limited Office Commercial (Palm Beach County CLO) zoning designation. A rezoning to Town Commercial Low Office should be obtained in order to insure consistency with the Loxahatchee Groves ULDC.

The current Grove Medical Plaza Site Plan dated April 26, 2006 allows for a maximum floor-area-ratio (F.A.R.) of 0.14 which is less than the maximum 0.20 F.A.R. allowed by the Town’s CLO zoning district. SP(A) 2016 proposes no increase in the current F.A.R. Based upon the above, proposed Site Plan Amendment SP(A) 2016-02 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.

PLANNING AND ZONING BOARD AGENDA – March 17, 2016

- 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.

d. Development Review Committee (DRC) Comments

The following were notified and requested to provide any comments during the review process regarding issues or concerns with the proposed Site Plan:

Agency/Entity	Comment/Response Summary
County Agricultural Extension Office	NA
PBC Sheriff’s Department	NA
PBC Health Department	NA
Lox. Groves Water Control District	NA
PBC Solid Waste Authority	NA
Keschavarz & Assoc. (Town Engineer)	NA
PBC Fire Rescue	NA
Simmons & White (Town Traffic Engineer)	Concurs that the SP(A) 2016-02 will have no impact upon existing project traffic generated.

ATTACHMENT A

Resolution 2006-0157 and 4/26/2006 Grove Medical Plaza Site Plan

RESOLUTION NO. R-2006-0157

RESOLUTION APPROVING ZONING APPLICATION CA2005-299
(CONTROL NO. 1991-043)
CLASS A CONDITIONAL USE
PETITION OF JOSEPH BEVERLY, GARY HORVATH AND BUSS COOPER
BY KILDAY & ASSOCIATES, INC.AGENT
(GROVE MEDICAL PLAZA)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2005-299 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2006; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.

6. This Class A Conditional Use meets applicable local land development regulations.
7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application CA2005-299, the petition of Joseph Beverly, Gary Horvath and Buss Cooper, by Kilday & Associates, Inc., agent, for a Class A Conditional Use to allow a medical or dental office in the Limited Office Commercial Zoning District, on a 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 B, attached hereto and made a part hereof, was approved on January 26, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Absent
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 26th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

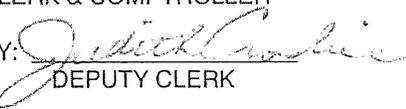
BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

THE SOUTH 700 FEET OF THE WEST 310 FEET OF THAT PART OF TRACT 5, BLOCK K, LYING NORTH OF STATE ROAD 80, "REPLAT OF 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, RECORDED IN PLAT BOOK 12, PAGE 29.

LESS AND EXCEPT THAT PORTION ACQUIRED BY THE ORDER OF TAKING RECORDED IN O.R. BOOK 5444, PAGE 1644, DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 5 IN BLOCK K OF "LOXAHATCHEE GROVES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE S 01° 22' 50" W ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 3524.15 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE S 88° 26' 59" E, A DISTANCE OF 197.34 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 2418.09 FEET; THENCE N 01° 30' 47" E, A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80 AND THE POINT OF BEGINNING; THENCE N 02° 15' 12" E, A DISTANCE OF 267.84 FEET; THENCE S 87° 44' 48" E, A DISTANCE OF 76.00 FEET; THENCE S 02° 15' 12" W, A DISTANCE OF 111.84 FEET; THENCE S 43° 07' 00" E, A DISTANCE OF 49.18 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 198.61 FEET; THENCE S 02° 14' 53" W, A DISTANCE OF 120.01 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80; THENCE N 88° 29' 13" W, A DISTANCE OF 309.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 158,442 SQUARE FEET / 3.637 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

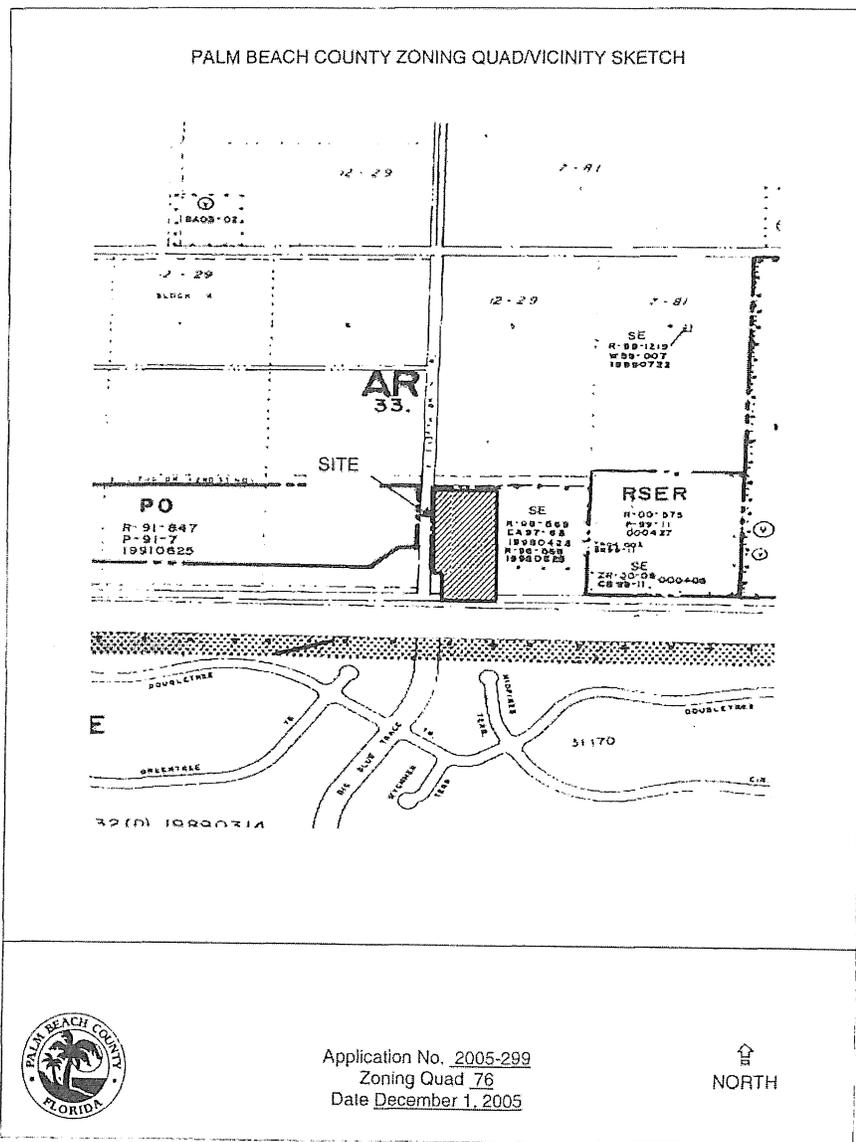


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated September 19, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the two (2) story medical office building shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the Loxahatchee Groves Rural Vista Design Guidelines, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)
2. The maximum height of the two (2) story medical building shall be thirty-five feet, excluding architectural features which shall not exceed a maximum height of forty-one (41) feet and shall be generally consistent with the elevations prepared by Marc Wiener, AIA and dated September 19, 2005. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of the two (2) story medical building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW -Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after May 17, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. LANDSCAPE WITHIN THE MEDIAN OF SOUTHERN BOULEVARD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner provides payment for maintenance as set forth in Paragraph d) below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - c) At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING:ENGINEERING-Eng)
 - d) Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Southern Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG:ENGINEERING-Eng)
3. Prior to final approval of the proposed site plan by the DRO, the property owner shall convey a forty (40) foot access easement to the Public along the south property line. This Access easement shall extend from F Road to the projects east property line as shown on the current DRO site plan. Final approval of the location of the access easement shall be approved by the County Engineer. Easment document shall be approved by the County Attorney. (DRO APPROVAL: ENGINEERING-Eng)
4. Prior to issuance of a certificate of occupancy, construction of the public access easement shall be completed from the projects east property line to F Road. (CO:MONITORING-Eng)
5. F ROAD CONSTRUCTION IMPROVEMENTS
- A. The Property owner shall construct F Road from the north side of project's north entrance to the north right of way line of Collecting Canal Road. Construction of this portion of F Road shall be subject to the requirements of the Loxahatchee Groves Water Control District. Construction is intended to be 22 feet in width with the wearing surface to be an Open Graded Emulsified Mix. This condition is subject to an executed agreement between the property owner and Loxhatchee Groves Water Control District Board of Supervisors, which includes provisions for the property owner to fund, in lieu of constructing, the aforementioned improvements. This agreement must be approved by the District prior to the issuance of a Building Permit for the proposed medical office building. (ONGOING: ENG-Eng)

- B. The Property owner shall construct F Road from the north side of projects north entrance to Southern Boulevard. Construction of this portion of F Road shall be to collector street standards, minimum 2 - 12 foot paved travel lanes. (ONGOING: ENG-Eng)
- C. Construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: ENG-Eng)
- D. Permits required by Loxahatchee Groves Water Control District for the construction in A and B shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- E. Construction and/or funding for the improvements in A and B shall be completed prior to the issuance of the first Certificate of Occupancy. (CO:MONITORING-Eng)

ENVIRONMENTAL

- 1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ERM-Erm)

HEALTH

- 1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH-Code Enf)

ZONING – LANDSCAPE -STANDARDS

- 1. Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein and Conditions under the Board of Adjustment BA 2005-00461. (BLDG PERMIT:LANDSCAPE-Zoning)
- 2. A minimum of seventy (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF SOUTHERN BOULEVARD)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip; and,
 - b. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF "F" ROAD)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip; and,
 - b. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include:
 - a. a minimum fifty (50) foot wide landscape buffer strip as shown on the Site Plan and Regulating Plan as Section A-A and dated September 19, 2005;
 - b. a minimum twelve (12) foot wide meandering equestrian trail; and,
 - c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)
2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)
3. All outdoor, freestanding lighting fixtures shall be in conformance with the Loxahatchee Groves Rural Vista Design Guidelines and shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

PLANNING

1. The site shall be limited to medical office uses only. (ONGOING; MONITORING-Planning)

SIGNS

1. Freestanding signs fronting on Southern Boulevard and "F" Road shall conform to the Loxahatchee Groves Rural Vista Design Guidelines and shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - fifty (50) inches in height;
 - b. maximum sign face area per side - one hundred (100) square feet;
 - c. maximum number of signs - one (1) for each road frontage;
 - d. style - monument style only;
 - e. location - Sign B within fifty (50) feet of the south access point of "F" Road; and,
 - f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Development and use of the site is limited to a medical or dental office and shall not be modified unless approved by the BCC. (ONGOING: ZONING - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: WUD-WUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or

- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)

ATTACHMENT B
Revised Grove Medical Plaza

