



Town of Loxahatchee Groves
Planning and Zoning Board Regular Meeting
Thursday, December 8, 2011 at 7:00 p.m.
Palms West Chamber of Commerce
13901 Southern Boulevard

MINUTES

1. OPENING

a. Call to Order & Roll Call

Vice Chair Robin Crawford called the meeting to order at 7:00 p.m. Present were Vice Chair Robin Crawford and Board Members Grace Joyce, Lawrence Corning, Keith Harris, and Veronica Close (Alternate #1). Also present were Town Manager Mark Kutney, Boards & Committees Clerk Judy Rios, and Town Planner Jim Fleischmann.

2. MINUTES

a. August 24, 2011

Motion: Board Member Harris moved to **approve** the minutes of August 24, 2011. Board Member Crawford seconded the motion, which passed with Board Member Close and Board Member Joyce abstaining due to non-attendance at the meeting. **(Motion carried 3-0).**

b. October 13, 2011

Motion: Board Member Close moved to **approve** the minutes of October 13, 2011. Board Member Joyce seconded the motion, which passed unanimously. **(Motion carried 5-0).**

3. LOCAL PLANNING AGENCY

a. Small-Scale Future Land Use Map Amendment:

Project # CPA 11- 2(SS): Day Property - Request to amend the Town's Future Land Use Map from RR-5 to Commercial Low (CL) in part and Commercial Low Office (CL-0) in part on a 9.3 acre parcel of land located at the southwest corner of Okeechobee Boulevard and Folsom Road.

Boards and Committees Clerk Rios confirmed that this agenda item was properly published and demonstrated the Proof of Publication.

Town Planner Jim Fleishmann began his presentation with reading a letter dated December 1, 2011 from Stanley Vorsteg, Loxahatchee Groves Resident and adjoining neighbor to the subject site. A copy of the letter was provided for Town records.

Mr. Fleishmann continued with a verbal and visual presentation for the project site.

Staff Finding and Recommendation:

Mr. Fleischmann read into the record Attachment A1 – Future Land Use Element Text Amendment 11-2(SS) and Attachment A2 – Revision of the Future Land Use Map #FLU-1.10 Amendment 11-2(SS): Day Property (Pages 21 and 22 of the Staff Summary). Mr. Fleishmann stated that Staff recommended approval of the proposal with four (4) conditions adopted into the Comprehensive Plan text as part of the approval of this project. In order to incorporate these into the text of the Comprehensive Plan, Staff recommended that Special Policy 1.15.3 be incorporated into the text of the Comprehensive Plan that regulated this parcel (see Staff Report, Page 21).

1.15.3 Special Policy

Land use and density/intensity of development on the property delineated as “Special Policy 1.15.3” on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the following criteria: Commercial Low (CL) – Maximum of 4.76 acres/21,606 sq. ft. of retail commercial space; and Commercial Low Office – Maximum of 4.34 acres/37,810 sq. ft. of office commercial and related support space. The following conditions shall also apply:

- i. A unified master development plan for the entire 9.3 acres shall be prepared and approved as part of the rezoning process.
- ii. Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the design of the development.
- iii. Coordinate with the Red Barn commercial property to the west to incorporate an on-site connectivity option within the required master plan.
- iv. Coordinate with PalmTran to implement a bus shelter within the required master plan, if determined to be feasible.

The second part of the Staff recommendation was the revision of the Future Land Use Map #FLU-1.10 Amendment 11-2(SS): Day Property as illustrated in the Staff Report, Page 22. Mr. Fleishmann concluded the presentation and answered questions posed by the Planning & Zoning Board.

Board Member Corning requested clarification regarding Comprehensive Plan lacking specifics. Mr. Fleishmann responded they would have to make their case in their application and during staff review. Vice Chair Crawford requested information on the urban sprawl. Mr. Fleishmann directed him to the staff report, page 18 that listed the criteria in the Florida Statutes that determined urban sprawl.

Kieran Kilday of Urban Design Kilday Studios introduced Bill Day as the landowner of the property and commenced their presentation. Mr. Kilday concluded the presentation stating that they agreed to the conditions that Staff recommended and opened the floor for questions.

Board Member Joyce acknowledged that Staff had conducted a very thorough presentation and report. She had questions pertaining to the Comprehensive Plan and expressed concern over the possibility of subdivision of the properties. Following discussion, Mr. Fleishmann recommended that a condition be added that would not allow a subdivision of the properties.

Board Member Joyce expressed concern for Item #6 of the standards of urban sprawl “Preserves

open space and natural lands and provides for public open space and recreation needs.” She noted that the slash pines were not being preserved, but were removed to allow for development. The Recreation and Open Space Element, Objective 5A.4, Policy 5A.4.1 directed the Town to require the provision of natural areas. Board Member Joyce expressed that she wanted to incorporate preservation of what was left of the slash pine hammock into the site plan as a condition of approval. She also directed a question to Mr. Kilday regarding the time frame and the funding to build this project. Mr. Kilday stated that Mr. Day would install the infrastructure, perimeter landscaping, retention area, and the entrance off of Folsom entrance, but would not construct buildings until he had firm tenants.

Mr. Fleishmann explained that the Town of Loxahatchee had adopted a tree removal ordinance, which required the applicant to identify which trees would be removed, quality and how to mitigate the removal of the good ones.

Board Member Close had some questions regarding the status of Okeechobee Boulevard as far as Palm Beach County. It was noted that the County’s goal was to go four (4) lanes, but that there was no funding.

Board Member Close requested details of the parking requirements for the project site. Mr. Kilday explained that the retail was 1 for 200, the restaurant was 1 space for 3 seats, and the office space was 1 per 250 or 4 per 1,000. He further noted that the Loxahatchee parking space minimum dimension size was bigger than Palm Beach County’s due to the pick-up trucks. Board Member Close asked if the property would need to be platted. Mr. Kilday responded in the affirmative. Board Member Close inquired if a Traffic Determination Study had been received from the County. Mr. Fleishmann stated that concurrency needed to be obtained before building permits were issued.

Board Member Joyce asked Mr. Fleishmann if it was appropriate, at this time, to put in a condition pertaining to the slash pines in the Land Use Amendment. She noted that she understood that it would be in Comprehensive Plan, but did not feel comfortable. Following discussion, it was agreed that a condition was to be added that the applicant shall perform a vegetative assessment and survey with the goal of preserving the natural vegetative (with emphasis to preserving the slash pines) to the greatest extent possible, and it shall become part of the subsequent zoning and site plan submittals.

Board Member Close asked what would prohibit a fast food or convenience store at the project site. After discussion, Town Manager Kutney suggested that at the time of the zoning application, the applicant could self-restrict themselves on those recommendations.

Public Comment

Brett Davis, 1384 Okeechobee, expressed that he was the nearest neighbor to the Day Property and was asked to participate. He noted total support of the project and believed it would generate a lot of taxes for Palm Beach County and the Town of Loxahatchee and impact fees. He noted that he did not know any neighbor that was against the project.

Frank Schiola, 13434 Marcella Blvd, explained that had reviewed the project plan and welcomed the project and the prospect of enjoying the newer area, parking a truck with no problem, and the lake area.

The Public Hearing Session was now closed and discussion by Planning & Zoning Board was now opened.

Board Member Close expressed concern that it was an urban development in a rural area, a high traffic road that has some incompatible uses along that roadway, and the urbanization of Okeechobee Road.

Board Member Corning read a statement into the record expressing his concerns about the application noting that it was lacking visionary planning that rendered communities unrecognizable. He explained that he did not feel that the justification provided in the agenda package that claimed consistency with surrounding uses was correct. He added that the proposed development was a conventional suburban, single use segregated shopping center and did not further any transportation goals, if anything, it contributed to degrading the existing infrastructure and its capacity hence the missing traffic study.

Board Member Harris commented that it was hard to determine the future and the Board could only help direct it. He noted that each property owner had a right to develop, as long as it followed the guidelines and mandates of the community, and that the Staff report had indicated merit. Board Member Harris spoke in favor of the opportunity for Mr. Day to proceed with his design.

Board Member Joyce explained that the Board was not tasked with looking at the site plan or judging the site plan. She recommended that the Board needed to be very careful and cautious on what the site plan was going to look like but that is not before us tonight. Board Member Joyce noted that she would support the approval of the application with the amendments made to the conditions.

Board Member Corning recognized the people who have lived on Okeechobee for a long time and noted that conditions had changed. He suggested that the Board develop a "Transfer of Development Rights" where the difference between the current zoning and the appraisal on this approved project was the value. Board Member Corning explained that instead of waiting for tenants, the developer could sell the rights to the development on Southern Blvd. She noted that there were ways to alleviate the difficulty that the residential people had on Okeechobee Blvd.

Board Member Close expressed concern regarding commercial uses at the site. She explained that she did not believe that it was the intent in the development of the Comprehensive Plan that commercial uses should be placed along Okeechobee, but that the commercial uses should be placed on Southern. She recommended that the Board develop a comprehensive approach on the development of Okeechobee Boulevard. Board Member Closed expressed that she was not in favor of the proposal.

Board Member Corning recommended against approving the application.

Vice Chair Crawford clarified that the Board's responsibility was to address this proposal, that the proposal was presented very well and that his main concern was that this was another attempt to "open the door" for development on Okeechobee Blvd.

Ex-parte communications were addressed by the Board prior to the vote, and it was noted that there was none.

Motion: Board Member Corning moved to recommend **denial** of the application. Board Member Close seconded the motion. In a roll call vote, Vice Chair Crawford, Board Member Harris and Board Member Joyce all voted against the motion, while Board Member Corning and Board Member Close voted in favor of the motion. (**Motion failed 3-2**).

Discussion took place and consensus was agreed upon to add the following conditions to the approval: 1) A plat shall be filed with the Town, including a Unity of Title that cannot be broken. 2) A vegetative survey, including a slash pine inventory, shall be completed at the time of the master plan development, including identification of a slash pine preservation program.

Motion: Board Member Joyce moved to **approve** the application as amended based on the evidence that was presented today and that it was consistent with the Comprehensive Plan. Board Member Harris seconded the motion. In a roll call vote, Vice Chair Crawford, Board Member Harris and Board Member Joyce all voted in favor of the motion, while Board Member Corning and Board Member Close voted against the motion. (**Motion carried 3-2**).

4. OLD BUSINESS - None

5. NEW BUSINESS

- a. Review of the Role & Responsibilities of the Board (Ordinance No. 2011-011)

Town Manager Kutney discussed the role and responsibilities of the Board and the request for alternate members to participate and sit at the dais. Town Council had directed the Town Attorney to amend the Ordinance to allow all of the alternates to participate, but no vote was taken during the course of a meeting.

- b. Recommendation for the Town Attorney to be Present at the P & Z Meetings

Motion: Board Member Close moved to **recommend** to Town Council to provide us with an attorney until such time as the Planning & Zoning Board feels comfortable that they are not needed at a meeting or that the applications were such that an attorney was not warranted. The motion passed unanimously. (**Motion carried 5-0**).

- c. Planning Study for Okeechobee Blvd.

A discussion occurred by the Board Members to support Chair Dennis Lipp's recommendation for the Planning & Zoning Board to undertake a plan for Okeechobee Boulevard.

Motion: Board Member Close moved to **have** the Planning & Zoning Board, as a collective body, support Chair Dennis Lipp's recommendation to go before Town Council to allow the Planning & Zoning Board at its next scheduled meeting to formulate and develop a comprehensive community plan for Okeechobee Boulevard and possible ways of implementing the plan and report back to Town Council with the recommendations. Board Member Grace seconded the motion, which passed unanimously. (**Motion carried 5-0**).

6. COMMENTS FROM THE BOARD - None

7. ADJOURNMENT

Motion: Board Member Close moved to **adjourn** the meeting at 10:12 p.m. Vice Chair Robin Crawford seconded the motion, which passed unanimously. (**Motion carried 5-0**).

**These minutes were approved by the
Board on Tuesday, February 9, 2012.**

Judy Rios, Boards & Committees Clerk

Dennis Lipp, Chair

SEAL