

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



**Town of Loxahatchee Groves**  
**Planning & Zoning Board/LPA Meeting**  
**Thursday, December 13, 2012 at 7:00 p.m.**  
Central Palm Beach County Chamber of Commerce  
13901 Southern Boulevard, Loxahatchee Groves, FL 33470

Chair Dennis Lipp  
Vice Chair Robin Crawford  
Board Member Lawrence Corning  
Board Member Keith Harris  
Board Member Grace Joyce  
Alternate Member #1 Veronica Close  
Alternate Member #2 Byrnes Guillaume

Town Manager Mark Kutney  
Town Clerk Susan Eichhorn  
Town Planner Jim Fleishmann

**MINUTES**

**1. OPENING**

a. Call to Order & Roll Call

Chair Dennis Lipp called the meeting to order at 7:00 p.m. Present were Chair Dennis Lipp, Vice Chair Robin Crawford and Board Members Keith Harris, Veronica Close (Alternate #1), and Byrnes Guillaume (Alternate #2), who arrived at 7:02 p.m. Board Members Lawrence Corning and Grace Joyce were not in attendance. Also present were Town Manager Mark Kutney, Town Planning Technician Braeden Garrett, Town Planning Consultant Jim Fleischmann, and Town Clerk Susan Eichhorn.

**Motion:** Vice Chair Crawford moved to approve the agenda. Board Member Harris seconded the motion, which passed 4/0, as Board Member Guillaume would not be voting until he was sworn in, which would take place at the January 10, 2013 Planning and Zoning Board meeting.

## 2. MINUTES

- a. Planning and Zoning Board Minutes for Approval - November 8, 2012

**Motion:** Vice Chair Crawford made a motion to approve the minutes of the Planning and Zoning Board meeting held on November 8, 2012. The motion was seconded by Board Member Harris. The motion passed 4/0.

## 3. OLD BUSINESS -

- a. Verbal Updates:

- Valley Crest Site Plan

Town Manager Kutney noted that the Valley Crest Site Plan was on the Agenda, because it had been continued to this date certain.

Town Planning Consultant Jim Fleischmann addressed the Board, explained the history of the Valley Crest Site Plan was necessitated as a result of a code enforcement action by the Town that was actually initiated in 2008, prior to the time that the Town had its own land development code. The code violation was that the use was not allowed under the Palm Beach County land development regulations at the time. The Palm Beach County land development regulations were used by the Town, until such time that the Town developed its own land development code. Valley Crest was a lawn maintenance operation and was in violation of the County code. The issue was taken to the Town's magistrate, and the magistrate cited two sections of the County code that Valley Crest was in violation of, and ordered them to come into compliance with the County code. Several years elapsed, because the Town had adopted moratoria, which prevented the filing of site plan application for this project. The violation became effective in 2008, and the applicant could not file an application because of the moratoria in place. The Town finally adopted its own land development regulations in November 2010, and the code violation became active, and a site plan was filed. Staff reviewed the application and brought it to the Planning and Zoning Board last month. There had then been some concern expressed by the Board as to whether the application was being appropriately reviewed, and whether approval would create a precedent. One of the two uses on the property was a lawn maintenance business, which was expressly prohibited under the Town's current code. It was staff's opinion that the application need to be processed under the County code that was in effect in 2008, however the Board was concerned that if staff was not careful as to whose land development regulations were used, there may be a precedent set for another land maintenance business to come in

the future and say that this applicant had been approved, and therefore they should be approved too. On that basis, the application had been continued to this meeting tonight. In the interim staff had prepared a fairly lengthy analysis of the County code and the Town code, which will be part of the staff report that would be coming back to the Planning and Zoning Board next month. He provided a copy of that report so that the members of the Board so that there was the opportunity to review it and understand the process that was used by staff. He noted that the staff report would be part of the agenda for the meeting next month.

Town Manager Kutney noted that there had been several meetings held with the Town Attorney and the attorney for the applicant, and the Town Attorney would be present at the meeting next month.

Alternate Board Member Close remarked regarding the quasi-judicial nature of the application, and Town Manager Kutney advised that the Town Attorney had indicated that the update was appropriate. Ms. Close recommended that staff not introduce any new information. Mr. Fleischmann responded that the staff report was just an explanation of how and why staff would be reviewing the application. There were no recommendations in the report. The agent for Valley Crest had seen the report.

**Motion:** Alternate Member Close made a motion to continue the Valley Crest site plan application to the January 10, 2013, Planning and Zoning Board meeting. The motion was seconded by Vice Chair Crawford. The motion passed 4/0.

- Comp Plan Moratorium/Okeechobee Blvd. Workshop

Town Planning Consultant Fleischmann discussed the upcoming December 19, 2012, public workshop regarding non-residential development along Okeechobee Blvd. The meeting had been advertised in the Palm Beach Post and Town Crier, and individual notices had been sent to property owners along Okeechobee Blvd. He noted that there would be a second workshop regarding development along Southern Blvd., however, the date and time had not yet been determined.

- ULDC Review

Town Planning Consultant Fleischmann reported that the Town Council, based on various complaints and discussions over the past few years, had decided to start the process to review the Town's land development code. A committee had been named to work with staff and complete a review of the Unified Land Development Code (ULDC). The ULDC Committee itself will be given the opportunity to raise some issues, and there were already issues raised by the Council and staff; staff would be making suggestions as far as topics that need to be reviewed. He noted that there had been a lot of complaints from residents that the special exception process was too costly and lengthy, and that was one of the first topics that would be discussed. He noted that the Planning and Zoning Board would have the opportunity to review the suggestions of the Committee.

Town Manager Kutney requested that any member of the Planning and Zoning Board bring forward to him any zoning issue that they thought needed to be considered by the ULDC Committee.

Chair Lipp requested that the Planning and Zoning Board members be provided with the topics that would be discussed at the ULDC Committee meetings prior to each meeting, so that they could review and provide any suggestions.

Town Manager Kutney advised that Byrnes Guillaume, the new alternate #2 member of the Planning and Zoning Board would be sworn in at the next meeting, scheduled for January 10, 2013.

**4. NEW BUSINESS – None**

**5. LOCAL PLANNING AGENCY**

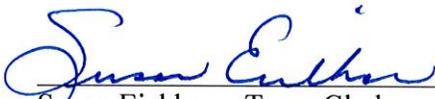
**Old Business** – None

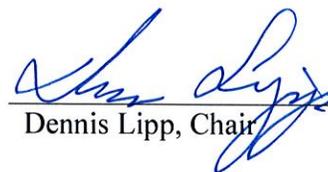
**New Business** - None

**6. COMMENTS FROM THE BOARD**

**7. ADJOURNMENT**

There being no further business, the Planning and Zoning Board meeting of December 13, 2012, was adjourned at 7:40 pm.

  
Susan Eichhorn, Town Clerk

  
Dennis Lipp, Chair

SEAL

**These minutes were approved by the Planning and Zoning Board on  
Thursday, January 10, 2013**