

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
Planning & Zoning Board/LPA Meeting
Thursday, December 12, 2013 at 7:00 p.m.
Central Palm Beach County Chamber of Commerce – West Office
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 Janet K. Whipple
Town Planner Jim Fleischmann

The Planning & Zoning Board meets on the 2nd Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA). Items for each body are noted on the agenda.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Chairman Lipp called the meeting to order at 7:02 p.m. Upon roll call vote, the following members of the Planning and Zoning Board were present: Chairman Lipp, Board Member Joyce and Board Member Harris. Vice-Chair Crawford, Board Member Corning, Alternate Member Close, and Alternate Member Guillaume were not in attendance. Also present were Town Planning Consultant

Jim Fleischmann, Town Planning Technician Braeden Garrett, Town Manager Mark Kutney, and Town Clerk Janet K. Whipple.

- b. Approval of Agenda

Motion: Board member Joyce made a motion to approve the Agenda. The motion was seconded by Board Member Harris. The motion passed 3/0.

2. **MINUTES**

- a. Planning and Zoning Board Minutes for Approval – **October 10, 2013**

Board Member Harris had a correction to the minutes. He was referred to as Vice-Chair Harris in a number of places within the minutes.

Motion: Board Member Joyce made a motion to approve the minutes as amended. The minutes were seconded by Board Member Harris. The motion passed 3/0.

3. **OLD BUSINESS** - *None*

4. **NEW BUSINESS** – *None*

5. **LOCAL PLANNING AGENCY**

OLD BUSINESS - *None*

NEW BUSINESS

- **ORDINANCE NO. 2013-11 (Historical Legacy)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HISTORICAL LEGACY USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 75-035, ENTITLED “USES AS OF OCTOBER 1, 2006” TO ADD THE TERM HISTORICAL LEGACY TO THE SECTION TITLE; TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO REQUIRE THAT THE PROPERTY ON WHICH THE USE IS LOCATED SHALL HAVE BEEN OWNED AND SUBJECT TO A HOMESTEAD EXEMPTION IN THE NAME OF THE OPERATOR OR HIS OR HER DIRECT RELATIVE RELATED BY BLOOD OR MARRIAGE; TO REQUIRE THAT THE USE DOES NOT PRESENT A THREAT TO PUBLIC HEALTH; TO REQUIRE THAT THE USE HAS NO HISTORY OF CODE VIOLATIONS OR THE USE HAS BEEN BROUGHT INTO CODE COMPLIANCE; TO REQUIRE THAT THE OWNER-OPERATOR SUBMIT AN AFFIDAVIT STIPULATING TO COMPLIANCE

WITH CERTAIN CONDITIONS; AND TO REQUIRE REVIEW AND INSPECTION BY THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Kutney provided background on Ordinance No. 2013-11. The Ordinance was originally the hay ordinance and has been modified. Ordinance 2013-11 went to Council for 1st reading on December 3, 2013, and then was to be sent to Planning & Zoning for review then on to Council for 2nd reading; however, Council chose to go by regular order of procedure. Once Planning and Zoning reviews the Ordinance it will go back to Council for 1st reading.

Chairman Lipp noted on page fourteen (14), the Town has asked the Planning & Zoning Board to do two things; first, decide what should be excluded from obtaining historical legacy status, and two, any uses that have been established since October 2006 (Incorporation), should they be allowed to obtain historical legacy status. The ordinance list of uses which are not eligible for historical legacy are: Adult entertainment, recreational vehicles, mobile home parks, junk or scrap yards.

Jim Fleischmann, Town Planner, requested that the Board include any other specific uses that should be excluded.

Discussion ensued concerning existing uses that should be excluded, and what kind of criteria to apply. Some uses such as horse slaughtering of course would be excluded.

Board Member Harris questioned whether the Town really needed the historical legacy ordinance, since the business concerns that still exist would ultimately go to Council for permission to run their business anyway.

Town Manager Kutney explained that yes the Town needed the ordinance for the original intent, which was the sale of hay.

Board Member Joyce stated that basically the Town knows who wants to be permitted by right. The Town should not create a list of all uses; she suggested the Town follow Palm Beach County requirements. Referencing Section 75-035 where the underline states “not previously permitted” does that mean permitted, as in allowed, or permitted by the County.

It was discussed that if the business is not subject to code violations, or there is a problem with the neighbors, it remains a “live and let live” situation. It’s just a matter of keeping track and the main objective is to keep it legal. It used to be a love or leave it community but times are changing. There should be a time frame for registering. Blood relatives are mother, father, son, daughter, and/or grandparents. Proof will be a concern. Use of a property control number will

be the best for tracking. Whoever is homesteading the property and living on the property should be the individual who runs the business.

Mr. Fleischman will reword section (C)2 and not include the direct relative reference.

Board Member Joyce referenced (E) and requested the word “use” be stricken and just state the “property” has no history. Concerning (F)2, strike physical address and only reference Property Control Number, this will be consistent with (C). Under (H) add number (4) additional uses determined by Town Staff. It was mentioned that hours of operation, employees, or noise factors has not been addressed.

Mr. Fleischmann, stated category (B) Special Exceptions will be the catchall. A Number (7) comment will be added to paragraph (F) which will also list items and include whatever staff deems appropriate. Number (8) will be added to require business to register annually. Number (6) will be revised by striking “other than a direct relative related by blood or marriage”.

Chairman Lipp, no retail should be allowed under historical legacy.

Motion: Board Member Joyce made a motion to approve Ordinance No. 2013-11 as amended by the Board and including changes. The motion was seconded by Board Member Harris. The motion passed 3/0.

- **DRYSDALE PROPERTY**

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

PCN No.'s 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)

Location: Northwest Corner of Valencia Drive (S)outhern Boulevard and Loxahatchee Avenue.

a. Small Scale Comprehensive Plan Amendment (CPA) 2013-2(SS)

b. Rezoning (REZ) 2013-3

Mr. Fleischmann passed out and explained the concept plan for the property, and explained the purpose of Amendment (CPA) 2013-2 (SS). The purpose of this Amendment is to change the zoning from A/R (Agricultural/Residential) Zoning to the proposed rezoning C/L (Commercial/Low) Zoning. There are two (2) proposed amendments for Board review. First, is a small scale future land use amendment, and second a zoning map amendment on the same property. Currently the property is comprised of 6.55 acres, and is comprised of three (3) lots with a single

dwelling allowed on each lot, per Town Code. The potential under the proposed amendment is a commercial development of 28,532 square feet. Staff recommends approval for both applications, subject to six (6) conditions, which are listed on page twenty-two (22) of the staff report. Mr. Fleischmann listed the conditions. He noted pages twenty-three (23) through twenty-seven (27) was the summary of the staff report and is a new format for small scale amendments. Based on the staff report, both the land use plan amendment application and the zoning change amendment meet all the necessary criteria per the Comprehensive Plan and the ULDC (Unified Land Development Code). Ms. Drysdale, owner of the property was present and could speak, or answer, any questions the Board might have.

Chairman Lipp asked Town Manager Kutney if the Town changes the land use or zoning, what happens at the Property Appraiser's Office.

Town Manager Kutney replied that the appraised value of the property might possibly be raised.

Board Member Harris asked if these amendments required advertising.

Mr. Fleischman stated as with small scale amendments, the property has been posted, the Town will do a mail out notice to property owners within 1,000 feet, and the ordinance will be advertised in the newspaper prior to second reading.

Mr. Fleischmann explained that the zoning to the east of Ms. Drysdale's property is zoned Commercial Low Office.

Board Member Joyce asked, that with the change, if the property would be non-conforming because there is a residential use.

Mr. Fleischmann explained that it was his understanding that the house would be removed.

The Board expressed concern that no site plan development had been planned prior to them considering a land use and zoning change, and why are they supporting the application.

Mr. Fleischmann stated that the change was consistent with the Comprehensive Plan.

Ms. Drysdale's eldest son provided a brief history on the property. His mother has owned the property for twenty-five (25) years, and planned to use it for her retirement. At this time there are no plans for development. There is interest however, in the property, but the zoning must be in place for any developer to partner, and to come forward with an offer. Ms. Drysdale lives around the corner from the property in question.

Board Member Joyce does not feel this will benefit the community, and wanted to know why the Town didn't just rezone the entire corridor.

Mr. Fleischmann stated that one day that might be a possibility; however, the Town will not currently be doing this, the property owners have to come in individually to request the changes.

Discussion ensued concerning pro and cons of selling property with or without a planned development established.

Board Member Joyce would not be in favor of this proposal until there was an assurance that someone was going to develop the property.

Ms. Drysdale's son stated he would like to proceed to partner with a developer but they cannot get there without the zoning first.

Mr. Fleischmann referenced the blue hash marks on the site plan that indicated property Florida Department of Transportation (FDOT) is interested in for a pond site.

Motion: Board Member Harris made a motion to approve the application process and recommend to Town Council the change of zoning. The motion was seconded by Board Member Joyce.

Per Mr. Fleischmann's recommendation, Board member Harris amended his motion to make two (2) separate motions; one for approval of the land use plan, and one for approval of the proposed zoning. The second motion was seconded by Board Member Joyce. Upon a roll call vote, the motion passed 2/1 for approval, with Board Member Joyce dissenting.

Town Manager Kutney stated that he will consult with the Town Attorney and advise him that this meeting only had a quorum of three and the vote is 2/1, technically it is not the majority of the Board. The item will still move forward with the approval; however, the Town Attorney will be contacted for the correct determination.

Chairman Lipp agreed with Town Manager Kutney's position.

6. COMMENTS FROM THE BOARD

Board member Harris wished everyone a Merry Christmas.

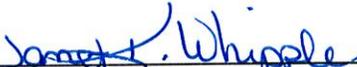
Board Member Joyce also wished everyone a Merry Christmas.

Chairman Lipp wished everyone Merry Christmas as well. He stated that he went to the Minto Workshop on Tuesday and reported that Mr. John Carter stated that Minto is happy with the location on Southern Boulevard for the college site; however, they are mired in litigation.

Town Manager Kutney was not aware of any litigation, but did know that the Judge still has not ruled on the referendum question that was a lawsuit brought by some Town residents. This is a Town issue not a concern of the college.

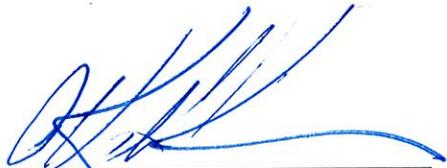
7. ADJOURNMENT

There being no further business, The Planning and Zoning Board Meeting of December 12, 2013, was adjourned at 8:23 p.m.



Janet K. Whipple, Town Clerk

FOR



Dennis Lipp, Chair

Comments Cards: Anyone from the public wishing to address the P&Z Board 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 P&Z Board 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.