

RECEIVED
JUN 16 2015

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-16

BY: Scott Whipple
Town Clerk

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DAY PROPERTY SITE PLAN, FOR LAND OWNED BY WILLIE H. AND FRANKIE J. DAY, CONSISTING OF 9.3 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, on November 11, 2014, adopted Ordinance 2014-07 approving the rezoning of the property from the Agricultural Residential (AR) zoning district to Commercial Low (CL), including the Final Conceptual Master Plan and Final Conditions of Approval ; and.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board) and Roadways Equestrian Trails and Greenway Advisory Committee (RETGAC), at their joint meeting of February 19, 2015, recommended approval of the Day Property Site Plan Application SP 2015-01, subject to conditions of approval; and

WHEREAS, the Loxahatchee Groves Commons Site Plan Application SP 2015-01, was presented to the Town Council at a quasi-judicial public hearing conducted on May 19, 2015; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff, Town Planning & Zoning Board (P&Z) and the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC); and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

Section 1. Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the findings in the staff report dated May 12, 2015, and joint Town P&Z Board and RETGAC recommendation and makes the following findings of fact:

1. This Site Plan is consistent with the Conceptual Site Plan approved by the Town Council in Town Ordinance 2014-07 on November 11, 2014.
2. This Site Plan is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
3. This Site Plan as presented in Exhibit “B” hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit “D” hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit “D” hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
4. This Site Plan, as presented in Exhibit “B” hereto, and Statement of Use, as presented in Exhibit “C” hereto, along with conditions of approval, as adopted and presented in Exhibit “D” hereto, are compatible and generally consistent with the uses and character of the land surrounding, and in the vicinity of, the land proposed for development.
5. The proposed design, with conditions as adopted and presented in Exhibit “D” hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
6. This Site Plan, as presented in Exhibit “B” hereto, and Statement of Use, as presented in Exhibit “C” hereto, along with conditions of approval, as adopted and presented in Exhibit “D” hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Site Plan, as presented in Exhibit “B” hereto, and Statement of Use, as presented in

Exhibit "C" hereto, along with conditions of approval, as adopted and presented in Exhibit "D" hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Day Property Site Plan SP 2015-01 for the 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 "A", attached hereto and made a part hereof. A copy of the Site Plan, subject to the Statement of Use, attached hereto as Exhibit "C", and conditions or approval presented in Exhibit "D" hereto, is attached hereto as Exhibit "B" and made a part hereof.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

RESOLVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS 19th DAY OF MAY, 2015.

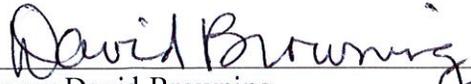
ATTEST:

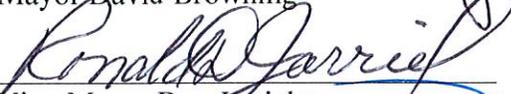

Janet K. Whipple, Town Clerk

APPROVED AS TO LEGAL FORM:

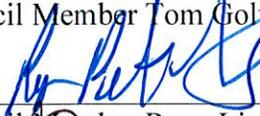

Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA


Mayor David Browning


Vice-Mayor Ron Jarriel


Council Member Tom Goltzené


Council Member Ryan Liang

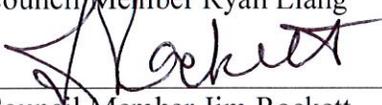

Council Member Jim Rockett



EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2015-16:

Parcel Control Number: 41-41-43-17-01-633-0010

Lot 33, less the West 1158.6 feet thereof, Block F, Loxahatchee Groves, according to the map or plat thereof as recorded in Plat Book 12, page 29, public records of Palm Beach County, Florida. Less and except the following parcel:

Parcel #126

A parcel of land lying in Section 27, Township 43 South, Range 41 East, and being a portion of Tract 33, Block F of the plat of Loxahatchee Groves as recorded in Plat Book 12, page 29, of the public records of Palm Beach County, Florida, and being more particularly described as follows:

Beginning at the NE corner of said Tract 33, run South 02 degrees 16 minutes 10 seconds West, along the East line of said Tract 33 a distance of 568.55 feet thence North 89 degrees 12 minutes 34 seconds West a distance of 50.02 feet along the South line of said Tract 33; thence North 2 degrees 16 minutes 10 seconds East a distance of 516.75 feet; thence North 43 degrees 36 minutes 10 seconds West a distance of 71.79 feet; thence South 89 degrees 29 minutes 31 seconds East a distance of 101.58 feet along the North line of said Tract 33 and along the South right-of-way line of Okeechobee Blvd. to the point of beginning.

LOCATION MAP

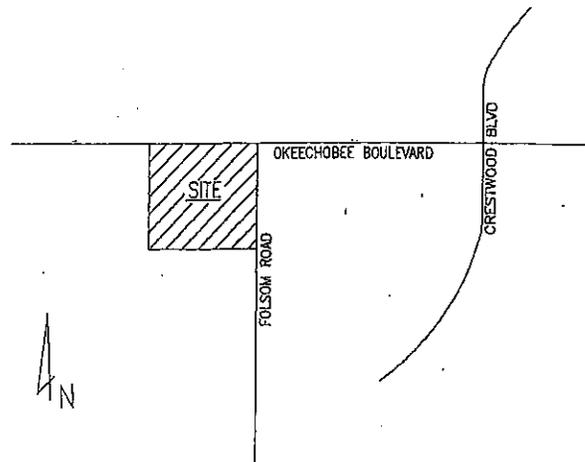


EXHIBIT B

DAY PROPERTY FINAL SITE PLAN 2015-01

EXHIBIT C
DAY PROPERTY FINAL SITE PLAN: SP 2014-02
STATEMENT OF USE

Urban Design Kilday Studios (UDKS) has been retained by Willie H. and Frankie J. Day to prepare a Site Plan Approval application for a property located at the southwest corner of Okeechobee Boulevard and Folsom Road, known as the Day Property. The Future Land Use Map on the subject property was amended, through Town Council approval on November 11, 2014, from RR-5 (Rural Residential 5 – one dwelling unit per 5 acres) to a CL (Commercial Low) designation on the 9.30 acres. A rezoning application was approved concurrently which rezoned the subject property from AR (Agricultural Residential) to CL (Commercial Low).

The development will provide a blend of retail, restaurant, professional/business office and accessory personal service uses that benefit the local community. The intensity of use is compliant with the provisions of Policy 1.15.3 of the Future Land Use Element of the Town of Loxahatchee Groves Comprehensive Plan and compatible with the surrounding existing uses.

The plan is intended to implement the Town's CL Future Land Use designation by incorporating a variety of complimentary community serving retail, restaurant, and office uses within a unified development plan. The CL Future Land Use designation permits the construction of local retail sales and office establishments which are beneficial to the residents of the Town. In addition, a local restaurant is included as a place for Town residents to meet and dine within the Town limits.

The site will serve as a gateway to the Town with a large lake area located at the intersection of Okeechobee Boulevard and Folsom Road. The overall floor-area-ratio (F.A.R.) at 0.074 and building coverage at 7.9% are consistent with the general rural intent of the Comprehensive Plan and specific provisions of Special Policy 1.15.3. Architectural details will emphasize the Rural Vista Guidelines preferred by the Town.

Due to the location of residential lots within 250 feet of the boundary of the subject property, the Site Plan provides several features to insure neighborhood compatibility. First and foremost, required 15 foot landscape buffers along the south, east and west property lines are provided where vehicular use areas are adjacent to the perimeter property lines. In addition, 10 foot landscape buffers are provided along the north and east property lines, adjacent to the proposed on-site lake. Buffer areas include both canopy trees and a hedge/shrub which provide both a visual screen and an aesthetically pleasing perimeter to the subject property. Perimeter landscaping is supplemented by interior landscaping including an area to be maintained as an "ecological community", located in the northern-central portion of the property.

Dumpsters and loading areas will be sufficiently screened by the landscaping referenced above.

EXHIBIT D
DAY PROPERTY
FINAL SITE PLAN SP 2015-01 CONDITIONS OF APPROVAL

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit A (Day Site Plan). The approved Site Plan is dated May 6, 2015. All modifications to the Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
3. The location of the 0.282 acre preserve area shall be identified on the Final Site Plan.
4. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Landscape Plan, and Floor Plans.
6. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be filed with the Town prior to applying for an initial building permit.
7. A twelve-foot easement for a horse trail shall be granted by the property owner along the Okeechobee Boulevard frontage of the property.

USE LIMITATIONS

1. Land use and intensity of development on the property shall be regulated by the application of the following:
 - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of general retail, restaurant and office uses.
 - b. The limitation on intensity of development shall automatically increase to whatever F.A.R. is subsequently granted to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.
 - c. Any increase in development intensity above a 0.074 F.A.R., as permitted in Section b, above shall be processed through the Town's site plan or site plan amendment approval process, as appropriate.
2. Building height shall be limited to one story.

ARCHITECTURAL

1. Architectural features and elevations shall comply with the Building Plans and Elevations dated January 23, 2015.

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2019. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.
2. An Irrigation plan shall be included with documents submitted to the Town Engineer for review and approval.

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required land clearing permit application, an "Ecological Community Management Plan" shall be submitted for the 0.282 acre "Reserve" to satisfy the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities.*"
2. Project landscaping shall conform to the Landscape Plan dated January 23, 2015.

EXTERIOR LIGHTING

1. All lighting shall conform to the Photometric Plan dated May 6, 2015.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved Final Site Plan dated May 6, 2015.
2. Paved parking on the property shall not exceed the code-required 175 spaces.

SIGNS

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements.*

2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.
3. The number of monument signs shall be limited to the following:
 - One shopping center free-standing sign at each of the following locations: Okeechobee Boulevard entrance with a maximum sign face of 72 sq. ft.; Southern and Folsom Road entrance with a maximum sign face of 72 sq. ft.
 - One "Town Sign", to be provided by others, located at the intersection of Okeechobee Boulevard and Folsom Road.
 - One drive-thru secondary (directional) sign @ maximum sign face of 12 sq. ft. as indicated on the Site Plan is dated May 6, 2015.
 - One shopping center attached building wall sign per tenant (2 if corner location) @ maximum sign face of 12 sq. ft. of sign face per sign

UTILITIES AND SERVICES

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy
3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.