



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE December 19, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Amendment Number Nine (9) to the Florida Department of Transportation's Landscape Inclusive Memorandum of Agreement for the property located 2362 South Ocean Boulevard

SUMMARY:

On July 20, 2017, the Florida Department of Transportation (FDOT) and the Town of Highland Beach entered into a Landscape Inclusive Maintenance Memorandum of Agreement ("Agreement") for the purpose of maintaining landscape improvements on State Road A1A (South Ocean Boulevard). Since the execution of this Agreement, there have been seven (7) amendments to the Agreement as follows (Note: Amendment No. 8 is pending, see below):

AMENDMENT NUMBER	LOCATION	FDOT PERMIT NO.	DATE OF EXECUTED AMENDMENT
1	3615 S. Ocean Blvd.	2019-L-496-00005	February 5, 2020
2	Several (crosswalks)	2020-L-496-00002	February 19, 2020
3	2352 S. Ocean Blvd.	2020-L-496-00005	December 21, 2020
4	2500 S. Ocean Blvd.	2021-L-496-00004	January 21, 2022
5	4005 S. Ocean Blvd.	2022-L-496-00008	September 13, 2022
6	3805 S. Ocean Blvd.	2023-L-496-00004	August 26, 2023
7	3521 S. Ocean Blvd.	2023-L-496-00006	October 10, 2023
8	3425 S. Ocean Blvd.	2023-L-496-00009	TBD*

** The Applicant is scheduled to go before the Planning Board on December 14, 2023 for an amendment to a previously approved landscape plan to reflect proposed landscaping in FDOT's Right-of-Way. If approved, Amendment No. 8 to the Agreement will come before the Commission accordingly.*

Landscaping improvements are proposed to be installed in FDOT's Right-of-Way (ROW) along State Road A1A at 2362 South Ocean Boulevard and therefore an amendment (No. 9) to the Agreement is required. While this amendment to the Agreement indicates that the Town will maintain the additional landscape improvements, Section 28-10(a) of the Town Code of Ordinances, requires the property owner to be responsible for the maintenance of all landscaping on adjacent public rights-of way as follows:

Sec. 28-10. - Maintenance standards for cultivated landscape areas.

(a) General: The owner, and/or lessee of land subject to this chapter shall be responsible for the maintenance of all landscaping located on their property and on adjacent public rights-of-way, which shall be maintained in good condition so as to present a healthy, neat and orderly landscape area which shall include, but not be limited to, weeding, mulching, fertilizing, pruning, mowing, and edging as generally set forth in this section.

At the June 08, 2023 Planning Board ("Board") meeting, the Board granted a major modification approval for the property which included the addition of two garages, a covered entertainment area, and changes to the exterior façade and roof line (Development Order No. 22-0002). This approval included a landscape plan for the property and for the adjacent FDOT ROW. The FDOT ROW landscaping approved by the Board is consistent with the ROW landscaping plan approved by FDOT via permit number 2023-L-496-00005 except for the type of sod to be provided. The ROW landscape plan approved by FDOT provides for 'Floritam' St. Augustine sod while the ROW landscaping approved by the Board provides for Empire Zoysia sod. This change in sod type is consistent with the Town Code of Ordinances. The Town's Public Works Director, Pat Roman, has indicated that the proposed landscaping in FDOT's ROW does not conflict with existing Town utilities.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Aerials

Resolution

Amendment Number nine (9) to FDOT Landscape Inclusive Memorandum of Agreement.

FDOT Inclusive Landscape Maintenance Memorandum of Agreement – July 20, 2017.

RECOMMENDATION:

At the discretion of the Town Commission