

RESOLUTION NO. 2025-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A SITE PLAN APPLICATION TO ACCOMMODATE A PLANNED OPEN SPACE WITHIN POD G OF THE GROVES TOWN CENTER PLANNED UNIT DEVELOPMENT, CONSISTING OF APPROXIMATELY 5.5 ACES OF LAND, GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, MORE SPECIFICALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, a Site Plan Application has been submitted to the Town of Loxahatchee Groves (the “Town”) by Solar Sportsystems, Inc. (the “Applicant”) seeking site plan approval to develop a public park (the “Development”) on portions of Pod G within the approved Groves at Town Center Planned Unit Development; and

WHEREAS, the site for the Development is within the approved Groves at Town Center property, generally located at the northeast corner of Southern Boulevard and B Road (Exhibit A); and

WHEREAS, in an effort to reduce the impact of building height on properties to the north, the applicant concurrently requests approval to relocate the Town Commons Park area on Pod G (former site of approved assisted living use); and

WHEREAS, the alternate proposed location is integrated with adjacent, existing horse trails and creates a buffer to development to the south; and

WHEREAS, the public park will be for use by the Town at its discretion and available for special events; and

WHEREAS, the public park measures approximately 5.43 acres inclusive of a 1.27 acre wetland that will be incorporated into the design (Exhibit B); and

WHEREAS, the Applicant is requesting a waiver from Section 30-035 of the Unified Land Development Code, as permitted by Sec. 41-020(E), to increase the maximum plot size beyond five (5) acres, consistent with the approved master plan; 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, including 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), at its meeting on August 29, 2024 recommended denial of the Site Plan Application; and

WHEREAS, the aforementioned Site Plan Application was presented to the Town Council at a quasi-judicial public hearing conducted on February 4, 2025; 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 and Town P&Z Board.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Site Plan Application is hereby approved, subject to compliance with all of the following conditions to be satisfied by the Applicant:

- A. Prior to any land clearing activities, the property owner shall comply with the permit approval requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87). Compliance with this condition requires an initial application and approval of a Vegetation Removal Permit (VRP) including a tree removal mitigation plan consisting of the following components: mitigation requirements; mitigation plant cost estimate; mitigation plan description; landscape plan (if a component of the mitigation plan); description of the planting and maintenance schedule; and projected date of completion of the mitigation plan. The approved landscape plan may be amended administratively in order to comply with the approved VRP.
- B. The Town shall inspect all landscaping on a periodic basis to ensure that it is being properly maintained and is growing in at a normal rate. The Town may require the Owner to add additional landscaping material if planted material is not growing at a normal rate as would be expected based upon the professional judgement of the Town arborist or landscape consultant retained by the Town.
- C. Applicant shall pay to the Town of Loxahatchee Groves an amount equal to the total expenses incurred by the Town in the processing and finalizing of the subject applications prior to issuance of any building permit. This includes, but may not be limited to, expenses for planning, legal, advertising, and landscape review, and any related expenses that the Town has or will incur as a direct cost of the application.
- D. Failure to comply with all requirements as set forth herein shall constitute a violation of the site plan and the land development code and shall be enforceable as such.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. This Resolution shall become effective upon the effective date of Ordinance 2024-09.

Council Member _____ offered the foregoing Resolution.
Council Member _____ seconded the Motion, and upon being put to a vote, the vote was as follows:

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 4th DAY OF FEBRUARY 2025.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Voted:
Mayor Anita Kane, Seat 3

Town Clerk

Voted:
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Voted:
Councilmember Phillis Maniglia, Seat 1

Office of the Town Attorney

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

EXHIBIT A –

LEGAL DESCRIPTION AND LOCATION MAP

THE SOUTH 1000 FEET OF TRACT 4, BLOCK "I", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29; SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) AS ESTABLISHED BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 1005, PAGE 577, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT 5, BLOCK "I" LOXAHATCHEE GROVES, LYING NORTH OF STATE ROAD 80, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN THE ORDER OF TAKING IN O.R. BOOK 5463, PAGE 1126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 6, BLOCK "I", OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 5463, PAGE 1126, AND THAT PORTION OF THE RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1005, PAGE 577, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THAT PORTION OF TRACT 6, BLOCK "I" RE-CONVEYED TO GASPAR MORELLO AND ELIZABETH MORELLO, HUSBAND AND WIFE, IN QUIT-CLAIM DEED RECORDED JANUARY 25, 2002, IN OFFICIAL RECORD BOOK 13344, PAGE 953, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE PLATTED EAST LINE OF TRACT 6, BLOCK "I" ACCORDING TO THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) ACCORDING TO THE FDOT RIGHT-OF-WAY MAP, SECTION 93120-3528, SHEET 5 OF 13, DATED 1986, THENCE, NORTH 88 DEGREES 26 MINUTES 32 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY OF SOUTHERN BOULEVARD, 66.16 FEET; THENCE, NORTH 39 DEGREES 58 MINUTES 31 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF "C" ROAD, ACCORDING TO THE FDOT RIGHT-OF-WAY MAP,

33.14 FEET, TO A POINT OF CURVATURE; THENCE, NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 202.00 FEET AND A CENTRAL ANGLE OF 46 DEGREES 54 MINUTES 52 SECONDS, AN ARC LENGTH OF 165.40 FEET TO THE PLATTED EASTERLY LINE OF TRACT 6, BLOCK "I"; THENCE, SOUTH 02 DEGREES 09 MINUTES 47 SECONDS WEST, ALONG THE PLATTED EAST LINE OF TRACT 6, BLOCK "I", 158.23 FEET TO THE POINT OF BEGINNING.

**EXHIBIT A –
LEGAL DESCRIPTION AND LOCATION MAP**

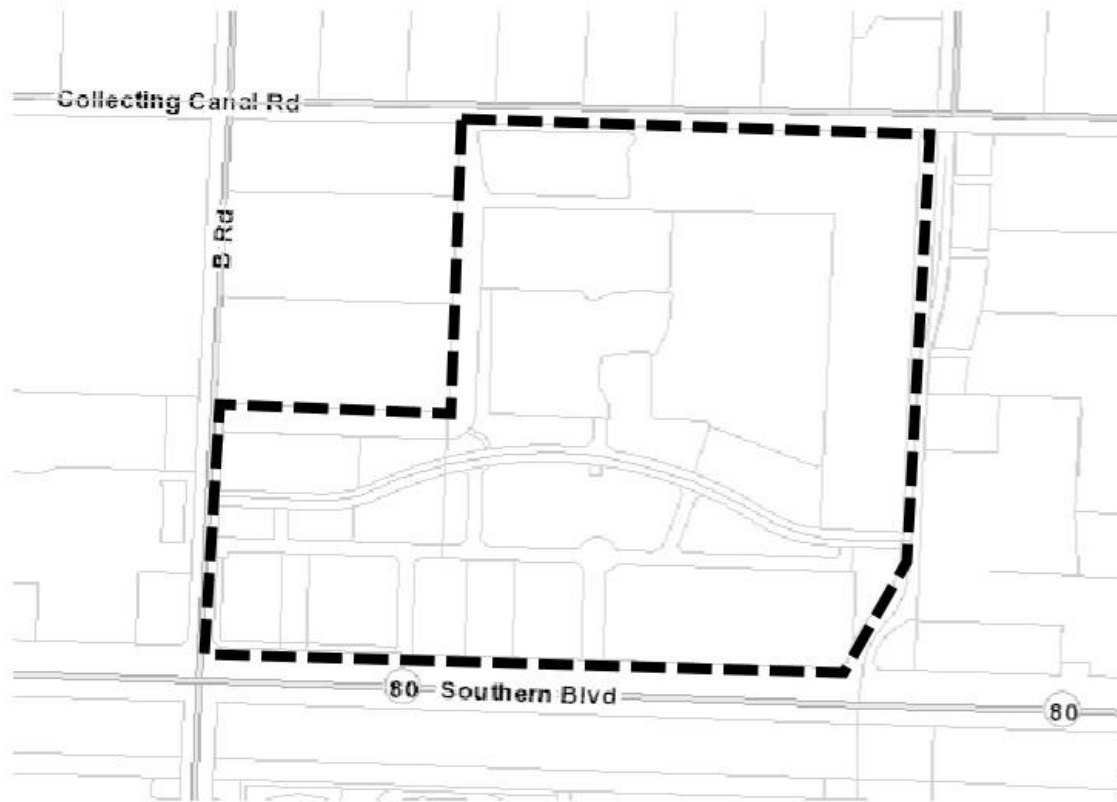


EXHIBIT B – SITE PLAN

