

## TOWN OF LOXAHATCHEE GROVES

### RESOLUTION NO. 2023-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SITE PLAN AMENDMENT, FOR LAND OWNED BY BIG DOG RANCH REAL ESTATE HOLDINGS LLC CONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND "D" 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, 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 and site plan amendments for development on property within the Town; and

**WHEREAS**, the Council, pursuant to Part V (Development Review Procedures and Requirements) Article 155 (Site Plans), 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 site plan amendments; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) and Article 120 (Quasi-Judicial Hearings) 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 of March 23, 2023 recommended approval of the Big Dog Ranch Site Plan Amendment Application SP(A) 2023-01; and

**WHEREAS**, the Big Dog Ranch Site Plan Amendment Application SP(A) 2023-01, was presented to the Town Council at a quasi-judicial public hearing conducted on May 2, 2023; 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; 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 2, 2023 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. The Site Plan Amendment is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for intensity of use.
2. This Site Plan Amendment as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. The Town Council finds the conditions, as presented in Exhibit C hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town's character.
3. This Site Plan Amendment, as presented in Exhibit B hereto, along with conditions of approval, as adopted and presented in Exhibit C hereto, is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. This Site Plan Amendment, as presented in Exhibit B hereto, along with conditions of approval, as adopted and presented in Exhibit C hereto, will result in logical, timely and orderly development patterns.

**Section 3.** The Town of Loxahatchee Groves Unified Land Development Code requires that the Site Plan Amendment action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Big Dog Ranch Site Plan Amendment SP(A) 2023-01 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 Amendment, subject to the approved conditions presented in Exhibit C, 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.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Laura Danowski, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Shorr, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Margaret Herzog, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS 2<sup>ND</sup> DAY OF MAY 2013.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor Laura Danowski

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Vice Mayor Robert Shorr

\_\_\_\_\_  
Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Margaret Herzog

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Council Member Marianne Miles

**EXHIBIT A**

**LEGAL DESCRIPTION AND LOCATION MAP**

Parcel Control Number: 41-41-43-29-01-000-0000

**PARCEL I:**

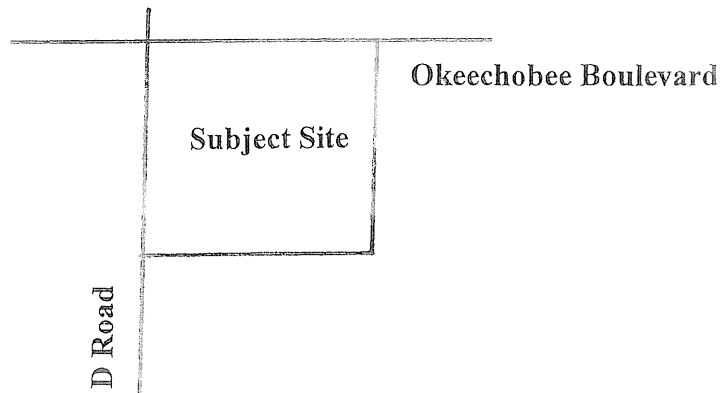
TRACT 11, BLOCK D, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PARCEL II:**

TRACT 9, BLOCK D, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 1,444,527 SQUARE FEET OR 33.162 ACRE, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT OF WAY OF RECORD.

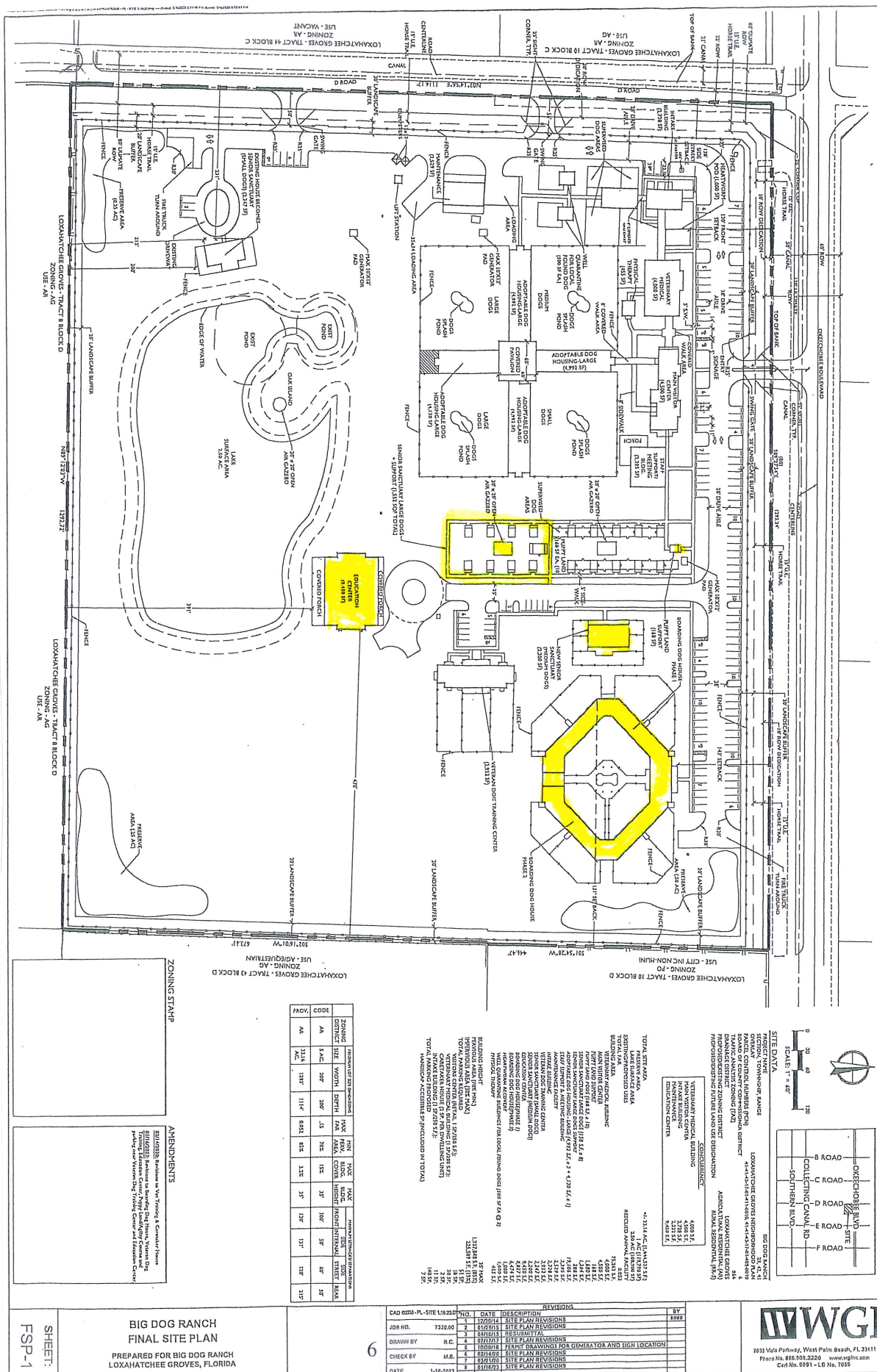
**LOCATION MAP**



**EXHIBIT B**

**BIG DOG RANCH FINAL SITE PLAN AMENDMENT SP (A) 2023-01; May 2, 2020**

**(REFER TO THE FOLLOWING PAGE)**



**EXHIBIT C**  
**SITE PLAN AMENDMENT SP (A) 2023-01 CONDITIONS OF APPROVAL**

**GENERAL**

1. Conditions of Approval presented herein shall retain, replace or amend Conditions of Approval adopted by the Town Council in Town Resolutions 2015-09, 2017-01 and 2018-87. Previous Conditions of Approval that have been satisfied, or are no longer required are deleted by ~~striketrough~~ herein. New or revised Conditions are underlined.
2. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
3. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit A hereto (Big Dog Ranch Amended Final Site Plan). The Amended Final Site Plan is dated ~~April 10, 2015~~ January 16, 2023. All modifications to the Amended Final 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 ULDC Section 155-005(B), as determined by the Town Manager.
4. Prior to submittal of any building permit applications for processing by the Town of Loxahatchee Groves, the Town Engineer shall review and the Town Manager shall approve the following plans for consistency with the ULDC: Schematic water, sewer, paving and drainage plan, landscape plan, parking facility lighting plan and floor plans.
5. The location of 1.0 acres of preserve area shall be identified on the Amended Final Site Plan.
6. Pursuant to the Municipal Services Payment Agreement (Town Resolution 2017-42) , an annual payment in lieu of taxes (PILOT) contribution to the Town of Loxahatchee Groves shall be made in the amount of \$7,000 in the initial year for Fiscal Year (FY) 2016, to escalate at a rate of 3% per year.

**USE LIMITATIONS AND REQUIREMENTS**

1. The floor-area-ratio of all buildings and enclosed structures shall not exceed ~~0.045~~ 0.052.
2. Veterinary services and dog boarding as accessory uses may be provided by a licensed veterinarian for adopted or previously adopted animals and dogs from deployed military personnel or first responders. Such services shall not be available to the general public.
3. An accessory caretaker unit may be provided.
4. The number of dogs allowed shall be based upon square footage of the facility and PBC Animal Control Center and Florida Fish and Wildlife Conservation Commission regulations; however, in no event, shall the number of dogs exceed the following maximums: puppies – 100; and adult dogs – 400. An exception to exceed these numbers may be made for the temporary emergency sheltering for dogs during a disaster situation until such time that they are relocated to foster homes.
5. Outdoor animal runs shall be located a minimum of 200 feet from a directly abutting residential zoning district, be permeable hard surfaced or grassed with drains every 10 feet and be connected to a central or individual sanitary facility approved by the PBCHD.

6. A minimum 6-foot high vinyl chain-link fence enclosing the entire property shall be provided, as indicated on the Amended Final Site Plan dated ~~April 10, 2015~~ January 16, 2023.

7. Separate, minimum 6-foot high vinyl opaque fences shall be required around each outdoor run area, with the exception that a six-foot high wood-framed welded wire fence shall be permitted around each Puppy Land Pod outdoor run area depicted in the Amended Final Site Plan dated ~~April 10, 2015~~ January 16, 2023.

8. Outdoor runs shall not be used earlier than 7:00 a.m. or later than 8:00 p.m. seven days per week.

9. Swing gates shall be installed at the Okeechobee Boulevard and “D” Road entrances.

a. The gate along Okeechobee Boulevard shall be used as the primary facility access and open to the public from 10am to 6pm. Said gate shall be accessed after hours only by managerial and veterinary staff.

b. The gates along D Road shall be located a minimum of 35 feet from the western property line.

~~10. A periodic sound monitoring program shall be approved by the Town Council prior to issuance of the initial Certificate of Occupancy.~~

11. A 15-foot horse trail easement shall be dedicated to the Town of Loxahatchee Groves along the Okeechobee Boulevard and “D” Road frontages of the property.

12. The facility shall contain a designated “quarantine” area or space for dogs that, due to illness or temperament, need to be separated from the general population.

13. No more than 15 dogs, accompanied by handlers, shall be allowed in an individual dog run area at any given time.

14. Generators shall comply with the maximum sound levels for non-residential permanent generators per Palm Beach County ULDC Article 5 *Supplementary Standards*, Chapter E *Performance Standards*, Section 4 *Nuisances*, Subsection B.2. *Maximum Sound Levels* and Table 5.E.4.B.

15. Generators may be operated for exercising purposed one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. and 5:00 p.m.

## **ARCHITECTURAL**

1. Building sidings and signs materials shall mimic wood lap siding.

2. Trim shall be applied at the corners of buildings.

3. Wall breaks on the larger buildings shall be enhanced by using arcades, banding, and projections.

4. Arcades (porch) shall be used as a means of creating human scale along the fronts of buildings.

5. Metal roofing shall be used on all buildings.

6. Mansard roofs and other vertical elements shall be used to break up the roof line.



7. Integration of complex window elements on buildings shall be used.
8. Mechanical and service areas shall be screened from public view.
9. Signage shall mimic building architecture.
10. The acoustic design guidelines recommended by Edward Dugger Associated, P.A. (EDA) in the report entitled "Big Dog Ranch – New Facility Acoustic Report – p2", dated April 1, 2015 shall be incorporated within the construction of the project.

## **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, 2020.~~ February 24, 2024. A time extension for this condition may be approved by ~~the Town Engineer based upon~~ an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request or acknowledged by the Town as a the result of an effective Emergency Declaration by the Governor of Florida.
2. During the plat process the Okeechobee Boulevard and "D" Road rights-of-way, as indicated on the Amended Final Site Plan shall be dedicated to Palm Beach County and the Town, respectively.
3. An Irrigation plan shall, to be reviewed by the Town Engineer and approved by the Town Manager shall be included with documents submitted to The Town of Loxahatchee Groves for building permit approval.
4. A 30-foot roadway right-of-way dedication shall be made to the Town of Loxahatchee Groves along the "D" Road frontage, including a 25-foot corner clip at the intersection of "D" Road and Okeechobee Boulevard.
5. In the event that additional right-of-way is required, over and above that which is required by Engineering Condition 4, sufficient additional right-of-way on "D" Road shall be dedicated to the Town for a northbound right turn lane at its intersection with Okeechobee Boulevard.
6. ~~A contribution in the amount of \$100,000 shall be made to the Town of Loxahatchee Groves for improvements to "D" Road from Okeechobee Boulevard to the southern property line of the property.~~

## **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, a "Created Ecological Community Installation and Management Plan" shall be submitted for the 1.0 acre "Preserve" area to satisfy the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities.*" If an Alternative Mitigation plan is proposed, such plan shall be approved by the Town Council prior to the issuance of a General Permit.
2. Project landscaping shall conform to the Landscape Plan dated December 30, 2014.
3. Prior to demolition of any structures, the Florida Dept. of Health shall be contacted regarding Asbestos

removal.

4. The Agility Course and all Dog Runs and Supervised Dog Areas shall be covered by natural turf grass or permeable artificial surface.

5. A continuous solid opaque hedge, a minimum 4-feet high at installation, shall be required around the perimeter and outside of the fence of the entire 33.16 acre property. All hedging shall be permanently maintained at a height of 6-feet.

6. Landscape Plan installation inspections shall be coordinated with Temporary and final Certificate of Occupancy inspections conducted by Town staff or consultants according to the Big dog Ranch phasing plan dated July 17, 2017, incorporated herein by reference. A final complete property landscape inspection shall be coordinated with the Final Certificate of Occupancy for development of Phase 4 of the phasing plan.

## **EXTERIOR LIGHTING**

~~1. A Photometric Plan shall be submitted for review by the Town Engineer and approved by the Town Engineer and Town Manager prior to submittal of the initial building permit application.~~

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 Amended Final Site Plan dated ~~April 10, 2015~~ January 16, 2023.

~~2. Prior to the issue of the initial building permit, the Final Site Plan shall be revised to indicate loading area dimensions that meet the ULDC minimum requirement of 12 feet x 45 feet.~~

## **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. One permanent monument or panel sign, not to exceed 60 sq. ft., is permitted at the entrance to the facility on Okeechobee Boulevard subject to the issuance of a sign permit by the Town of Loxahatchee Groves pursuant to ULCD Article 90 *Signs*.

## UTILITIES AND SERVICES

1. A Developer's Agreement with the Palm Beach County Water Utility Department is required for the provision of central water and wastewater services to the project. It shall first be approved by the Town Council prior to becoming effective.
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. The on-site animal waste collection and disposal system shall consist of the following:
  - a. Indoor Program: Built-in pressure washers and drains tied directly to the sewer system. All fecal matter and urine from inside the buildings shall be sprayed into the drains. Drains shall be periodically flushed into the sewer system. Kennel cleaners and sanitizing agents shall be used daily.
  - b. Out-of-Doors Program: "DogiPot" stations (i.e. covered metal trash cans with a supply of collection bags shall be placed around the property. Fecal matter will be policed and placed in "DogiPot" receptacles. "DogiPot" bags shall be collected and placed in covered trash dumpsters up to four times daily by Big Dog staff. Dumpsters shall be emptied and removed from the property a minimum of three times per week by the contracted third-hauler for ultimate disposal.
4. The operation shall comply with the following waste disposal standards, as appropriate: (1) PBC ECR 1 and ECR 2 and (2) rules of FDEP, FFWCC, PBCHD and PBCSWA.
- ~~5. Prior to a Certificate of Occupancy for Phase 1, the Florida Dept. of Health shall be contacted regarding the need for bio-medical hazardous waste permits.~~
6. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.