

RESOLUTION R- 2007-0830

RESOLUTION DENYING ZONING APPLICATION TDD2006-1142
(CONTROL NO. 2006-397)
A DEVELOPMENT OF REGIONAL IMPACT
APPLICATION OF CALLERY JUDGE LP, AND SILVER LAKE
ENTERPRISES, INC.
BY KILDAY & ASSOCIATES, INC., AND LEWIS, LONGMAN AND
WALKER, P.A., AGENT,
(CALLERY - JUDGE GROVE DRI)

WHEREAS, Callery Judge LP, and Silver Lake Enterprises, Inc. (Applicant), has filed a Development of Regional Impact (DRI) Application for Development Approval (ADA) with Palm Beach County, Florida, in accordance with Section 380.06, Florida Statutes, for a 3,911.04 acre parcel of property located approximately east and west of Seminole Pratt Whitney Road and south of 60th Street North and north of 50th Street North Palm Beach County, Florida described in the real property legally described in Exhibit A, attached hereto; and

WHEREAS, said Applicant proposes to construct a development consistent with the ADA for the Callery-Judge Grove DRI dated July 8 2004; and

WHEREAS, the Board of County Commissioners as the governing body of Unincorporated Palm Beach County having jurisdiction, is the local government entity authorized and empowered by Chapter 380.06, Florida Statutes, to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the notice and hearing requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, copies of the ADA dated July 8, 2004 and supplemental information as stated in this development order have been provided to all parties identified in Fla. Admin. Code R.9J-025; and

WHEREAS, copies of the Palm Beach County Comprehensive Plan and Unified Land Development Code and DRI related amendments to the Plan and Code have been provided to the Department of Community Affairs; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has received and considered the assessment report and recommendations of the Treasure Coast Regional Planning Council; and

Whereas, the Board of County Commissioners denied the Comprehensive Plan amendments associated with Amendment Round 06-D1 at the conclusion of a public hearing held on May 7 and May 15 2007; and

Whereas, the Development of Regional Impact application is inconsistent with the Palm Beach County Comprehensive Plan; and

Whereas, the Board of County Commissioners would consider approval of a DRI application consistent with staff's recommendation of 1.2 dwelling units per acre and the Open Space Provisions consistent with the proposed Central Western Communities Sector Plan Settlement Agreement.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, in a public meeting, duly constituted and assembled this Fifteenth Day of May, 2007, the Callery-Judge Grove DRI is hereby DENIED.

Commissioner Marcus moved for the denial of the Resolution.

The motion was seconded by Commissioner Newell and, upon being put to a vote, the vote was as follows:

| | |
|------------------------------|----------|
| Addie L. Greene, Chairperson | - Aye |
| John F. Koons, Vice Chair | - Absent |
| Karen T. Marcus | - Aye |
| Warren H. Newell | - Aye |
| Mary McCarty | - Aye |
| Burt Aaronson | - Aye |
| Jess R. Santamaria | - Aye |

The Chair thereupon declared that the resolution was duly passed and adopted on May 15, 2007. This DO shall become effective upon the effective date of the amendments to the Palm Beach County Comprehensive Plan adopted in amendment round 2006-D1.

Filed with the Clerk of the Board of County Commissioners on 23 day of May, 2007.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

CALLERY JUDGE GROVES DRI - LEGAL DESCRIPTION:

SECTIONS 1, 2, 3 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH AND EAST OF THE SOUTH AND EAST RIGHT OF WAY LINES OF THE M-CANAL, AS RECORDED IN DEED BOOK 1156, PAGE 58, AS CORRECTED IN PART BY CORRECTIVE QUIT-CLAIM DEED, RECORDED IN OFFICIAL RECORD BOOK 924, PAGE 965.

THE SOUTH LINES OF SAID SECTIONS 2, 3 AND 12, AND THE WEST LINE OF SAID SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, ARE AS ESTABLISHED BY K.C. MOCK FOR CALLERY JUDGE GROVES, AS SHOWN ON ROAD PLAT BOOK 6, PAGES 136 THROUGH 141.

TOGETHER WITH: SECTIONS 5, 6 AND THE NORTH HALF OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF THE M-CANAL, AS RECORDED IN DEED BOOK 1156, PAGE 58, AS CORRECTED IN PART BY CORRECTIVE QUIT-CLAIM DEED, RECORDED IN OFFICIAL RECORD BOOK 924, PAGE 965.

A PORTION OF THE EAST-WEST QUARTER SECTION LINE FOR SAID SECTION 7, TOWNSHIP 43 SOUTH, RANGE 41 EAST, SUBJECT TO THE COURT ORDERED FINAL JUDGMENT CASE NUMBER 73 1016 CA (L) 01 MacMILLAN, AS RECORDED IN OFFICIAL RECORD BOOK 2330, PAGE 1076.

TOGETHER WITH: PARCEL 1B, AS RECORDED IN OFFICIAL RECORD BOOK 14034, PAGE 1119.

LESS AND EXCEPT: THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALL OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 12, SUBJECT TO THE COURT ORDERED FINAL JUDGMENT CASE NUMBER 73 1016 CA (L) 01 MacMILLAN, AS RECORDED IN OFFICIAL RECORD BOOK 2330, PAGE 1076.

LESS AND EXCEPT: RIGHT OF WAY FOR SEMINOLE-PRATT WHITNEY ROAD AND RIGHT OF WAY FOR PERSIMMON BOULEVARD, AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378, OFFICIAL RECORD BOOK 10289, PAGE 488 AND OFFICIAL RECORD BOOK 10202, PAGE 430.

LESS AND EXCEPT: GROVE MARKET PLAT, AS RECORDED IN PLAT BOOK 82, PAGES 67 THROUGH 68.

LESS AND EXCEPT: LANDS DEEDED TO THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORD BOOK 9169, PAGE 136, OFFICIAL RECORD BOOK 9232, PAGE 1206 AND OFFICIAL RECORD BOOK 14566, PAGE 1779.

LESS AND EXCEPT: LANDS DEEDED TO PALM BEACH COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORD BOOK 20846, PAGE 1427.

ALL RECORDING REFERENCES STATED HEREIN ARE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING IN ALL 3,911.041 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

