

## RESOLUTION R- 2007- 0829

RESOLUTION DENYING ZONING APPLICATION TTD2006-1142  
(CONTROL NO. 2006-397)  
AN OFFICIAL ZONING AMENDMENT (REZONING) TO  
A TRADITIONAL TOWN DEVELOPMENT DISTRICT,  
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, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Palm Beach County 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 and the local development order (rezoning) of the property is a necessary component of the DRI; and

WHEREAS, Zoning Application TTD2006-1142 was presented to the Board of County Commissioners at a public hearing conducted on May 15, 2007; and

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

WHEREAS, the Board of County Commissioners has considered and rendered a resolution denying a Development Regional Impact (DRI) Development Order (DO) for these properties; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is not consistent with the Palm Beach County Comprehensive Plan based upon the Board of County Commissioners denial of the Comprehensive Plan amendments associated with Amendment Round 06-D1 and the Development of Regional Impact application at the conclusion of a public hearing held on May 7 and May 15 2007.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application TTD2006-1141, the application of Callery Judge LP, and Silver Lake Enterprises, Inc. for an Official Zoning Map Amendment (rezoning) from the Agricultural Residential to the Traditional Town Development District, on a parcel of land legally described in EXHIBIT A, which is generally located as shown in EXHIBIT B, was DENIED ON May 15, 2007 with prejudice.

Commissioner Marcus moved for the approval 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	-

The Chair thereupon declared that the resolution was duly passed and adopted on May 15, 2007.

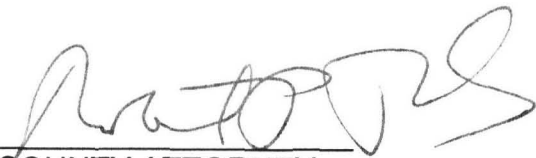
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

