

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2008-009

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA OPPOSING THE PROPOSED PALM BEACH COUNTY FUTURE LAND USE ATLAS TEXT AND MAP AMENDMENTS FOR THE CALLERY-JUDGE GROVES DEVELOPMENT (“CALLERY-JUDGE”) LGA 2008-011 DUE TO THE FAILURE TO PROPERLY CONSIDER THE USES AND INTENSITIES OF USE THAT ARE LOCATED IN THE AREAS THAT SURROUND THE DEVELOPMENT, AS WELL AS THE ADVERSE IMPACTS SUCH DEVELOPMENT WOULD HAVE ON THE CITIZENS OF THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Palm Beach County Commission is currently considering the approval of text amendments and Future Land Use Atlas for the proposed Callery-Judge Groves Development which will amend the Future Land Use Atlas designation from RR-10 to Agricultural Enclave; and

WHEREAS, the Agriculture Enclave designation is authorized pursuant to Section 163.3162, Florida Statutes; however, the statutory provisions require Palm Beach County and the developer to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel; and

WHEREAS, the proposed amendments to text and Future Land Use Atlas of the Palm Beach Comprehensive Plan that are related to the Callery-Judge Development will result in the establishment of land uses in types and intensities that are not consistent with the areas that surround the Callery-Judge parcel; and

WHEREAS, in the event the amendments are approved the resulting development will place an inordinate burden on the public service infrastructure, including but not limited to roads, water, sewer, schools, and the environment;

WHEREAS, there is no over-riding public purpose which could justify the approval of the proposed amendments and the establishment of the Agricultural Enclave Land Use designation, given the location of the proposed project in the rural tier where the current land use on the property

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is RR-10 and the current zoning is AR - Agricultural Residential which would allow only one (1) dwelling unit per ten (10) acres; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves hereby finds that the proposed Callery Judge Groves Agricultural Enclave Future Land Use Atlas map and text amendments are adverse to the health, safety and welfare of the residents of the Town of Loxahatchee Groves as presented, and are not consistent with the intent of Section 163.3162, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

SECTION 1: The foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby incorporated herein.

SECTION 2: The Town Council of the Town of Loxahatchee Groves hereby expresses its opposition to the proposed Callery-Judge Groves Agricultural Enclave Future Land Use Atlas map and text amendments to the Palm Beach County Comprehensive Plan (LGA 2008-011), and respectfully requests that the Palm Beach County Commission deny the request to amend the County Future Land Use Atlas and text as requested by the agent for the property owner.

SECTION 3: The Town Clerk is directed to forward a copy of this Resolution to the Chair of the Palm Beach County Board of County Commissioners, each County Commissioner, the County Administrator, the Director of Palm Beach County Planning, Building and Zoning, the Executive Director of the Palm Beach County League of Cities, and the Board of Supervisors of the Loxahatchee Groves Water Control District.

SECTION 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its passage and adoption.

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ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 15th day of April, 2008.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Matthew Lyman
TOWN CLERK

David Browning
Mayor David Browning

Marge Herzog - objected
Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

DNT
Office of the Town Attorney

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

SSG:DNT:dnt

H: 2007-070240.LOX\RESO 2008\Reso 2008-009 (Callery Judge Ag Encl).doc

STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution 2008-009 as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 15th day of April A.D. 2008

TOWN OF Loxahatchee Groves
BY: Matthew Lyman