

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. R-2008-003

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY RESCIND THE APPROVAL FOR ZONING APPLICATION PDD-2005-1174 (CONTROL NO. 2005-394), THE APPLICATION OF PALM BEACH AGGREGATES, INC. FOR THE APPROVAL OF THE HIGHLAND DUNES PUD AND REQUEST FURTHER INVESTIGATION INTO THE METHOD AND MANNER IN WHICH RESOLUTION NO. 2006-0028 DATED JANUARY 5, 2006 WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; DIRECTING TOWN CLERK TO TRANSMIT THE RESOLUTION TO THE APPROPRIATE COUNTY OFFICIALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, hereinafter referred to as the “Town”, is a recently incorporated contiguous rural community in Palm Beach County, Florida, experiencing a negative impact from the urbanization of certain surrounding areas; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (“County”) had previously approved Resolution No. R-2006-0028 on January 5, 2006, which approved the Zoning Application PDD2005-1174 (Control No. 2005-394) to rezone the Palm Beach Aggregates, Inc. property located on Southern Boulevard; and

WHEREAS, one of the conditions of approval for the Highland Dunes PUD as approved by the County and Resolution No. R-2006-0028 is that Southern Boulevard be widened to six (6) lanes from Binks Forest Drive to east of Palm West Parkway, which is the southerly border of the Town; and

WHEREAS, the Town is in the process of adopting its Comprehensive Plan and Land Development Regulations, and the proposed widening of Southern Boulevard along the southern boundary of the Town would have a significant adverse impact on the Town’s ability to control and design future development along Southern Boulevard within the Town ; and

WHEREAS, based upon facts provided to the Town, it would appear that there are issues concerning the propriety of the County’s approval of the Highland Dunes PUD pursuant to Resolution No. R-2006-0028, and due to facts and circumstances brought to the Town Council’s attention, the Town Council feels its appropriate to request the County Commission review their approval of the Highland Dunes PUD and rescind that approval; and

WHEREAS, the Town Council feels that it is necessary to rescind the approval in order to preserve the future development within the Town of Loxahatchee Groves; and

WHEREAS, the Town Council deems it in the best interest of the citizens and the residents of the Town of Loxahatchee Groves to remove the widening of Southern Boulevard from any consideration of any development at Highland Dunes PUD and that the Highland Dunes PUD approval, pursuant to Resolution No. R-2006-0028, be rescinded.

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

SECTION 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

SECTION 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby recommends requests that the Palm Beach County Board of County Commissioners rescind Resolution No. R-2006-0028 dated January 5, 2006 with respect to Zoning Application PDD2005-1174 (Control No. 2005-394) application of Palm Beach Aggregates, Inc. (Highland Dunes PUD), due to the fact that the approval of the Resolution by the County Commission may not have been made in conformance with the applicable provisions of the Palm Beach County Uniform Land Development Code.

SECTION 3. The Town Clerk is hereby directed to provide copies of this Resolution to the Chair of the Palm Beach County Board of County Commissioners, the other members of the County Commission, the Director of the Palm Beach County Planning, Building and Zoning Department, the Palm Beach County League of Cities, and the Mayors for the City of Wellington, the Village of Royal Palm Beach, and the Superintendent 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.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this ____ day of _____, 2008.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

TOWN CLERK or Authorized Representative

Vice Mayor

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

Council Member