

RESOLUTION NO. R-2000- 1717

RESOLUTION APPROVING ZONING PETITION TDR95-116(D)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
PETITION OF LEVITT-ANSCA TOWNE PARK
BY LAND DESIGN SOUTH, AGENT
TOWNE PARK PUD

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 petitions relating to the Unified Land Development Code; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-10, as amended), have been satisfied; and

WHEREAS, Zoning Petition TDR95-116(D) was presented as a development order to the Board of County Commissioners at a public hearing conducted on October 26, 2000; and

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. Pursuant to Section 6.1 O.H. of the ULDC, the Planning Division has established a County TDR Bank with TDR Units accumulated through the purchase of property under the Environmentally Sensitive Lands Program; and
2. Revenue from the TDR Bank are earmarked for the acquisition and management of environmentally sensitive lands and wetlands; and
3. Pursuant to Section 6.10.H.4.b. of the ULDC, the Planning Division and the Land Use Advisory Board (LUAB) have recommended that the sale price for a County TDR units for FY99-00 be \$9,833 per unit; and; and
4. Pursuant to Section 6.10.1. of the ULDC, the TDR95-116(D) qualifies as a TDR Receiving Area; and
5. Pursuant to Section 6.10.K.3.e. of the ULDC, there are five standards which must be complied with in order to use the TDR Program and each of the five standards has been complied with; and

WHEREAS, Section 5 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 Petition TDR95-116(D) the petition of Levitt-Ansca Towne Park by Land Design South, agent, for a Transfer of Development Right (TDR) for 17 units and designate PDD95-116 as the receiving area on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 2000, subject to the conditions of approval described in EXHIBIT C. 1, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Absent
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus		Absent
Carol A. Roberts		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

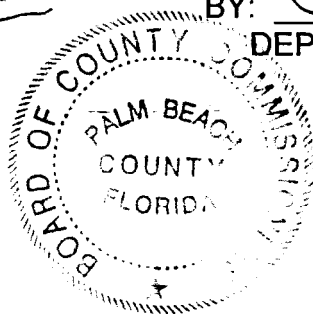


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF BLOCKS 36 AND 43, "PALM BEACH FARMS COMPANY PLATNO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLATBOOK2, PAGE45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF LOTS 3 AND 4, TRACT 42, "PALM BEACH FARMS COMPANY PLAT NO 13", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK6, PAGE 98, OF SAID PUBLIC RECORDS; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LEXINGTON I OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 195, SAID PUBLIC RECORDS; THENCE NORTH 00°33'53" WEST, ALONG THE WESTERLY BOUNDARY LINE OF SAID PLAT OF LEXINGTON I OF SHERBROOKE, A DISTANCE OF 1280.00 FEET; THENCE NORTH 13°08'08" WEST, CONTINUING ALONG SAID WESTERLY PLAT BOUNDARY, A DISTANCE OF 1506.10 FEET; THENCE NORTH 89°26'07" EAST ALONG THE NORTHERLY PLAT BOUNDARY LINE OF SAID PLAT OF LEXINGTON I OF SHERBROOKE, A DISTANCE OF 1399.71 FEET; THENCE NORTH 01°48'19" EAST, DEPARTING SAID NORTHERLY PLAT BOUNDARY, A DISTANCE OF 82.78 FEET; THENCE SOUTH 88°11'41" EAST, A DISTANCE OF 135.00 FEET; THENCE NORTH 01°48'19" EAST, A DISTANCE OF 228.00 FEET; THENCE NORTH 38°03'43" WEST, A DISTANCE OF 619.84 FEET; THENCE NORTH 30° 26' 41" WEST, A DISTANCE OF 855.00 FEET; THENCE NORTH 29°26'41" WEST, A DISTANCE OF 270.00 FEET; THENCE SOUTH 60°33'19" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 29°26'41" WEST, A DISTANCE OF 250.00 FEET; THENCE NORTH 17°05'15" EAST, A DISTANCE OF 639.35 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF SAID PLAT OF "PALM BEACH FARMS COMPANY PLAT NO. 13"; THENCE NORTH 87°54'37" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 99.84 FEET; THENCE NORTH 04°54'05" WEST, ALONG THE EAST LINE OF SAID LOT 3, TRACT 42, A DISTANCE OF 1466.84 FEET TO INTERSECTION THEREOF WITH THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; SAID SOUTH RIGHT-OF-WAY LINE LYING 40.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 3; THENCE NORTH 87°59'21" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1349.96 FEET; THENCE SOUTH 12°59'30" EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 14.49 FEET; THENCE NORTH 87°59'21" WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1278.67 FEET; THENCE SOUTH 01°40'29" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-I, A DISTANCE OF 1431.04 FEET; THENCE SOUTH 00°24'03" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 5557.60 FEET; THENCE SOUTH 00°04'49" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 454.69 FEET; THENCE SOUTH 45°33'53" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.57 FEET; THENCE NORTH 89°26'07" EAST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 86°47'19" EAST, A DISTANCE OF 250.54 FEET; THENCE NORTH 89°26'07" EAST, A DISTANCE OF 310.06 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1055.00 FEET; THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°31'11", A DISTANCE OF 727.68 FEET TO THE POINT OF TANGENCY; THEN THENCE SOUTH 51°02'42" EAST, A DISTANCE OF 923.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1854.86 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°31'11" A DISTANCE OF 1279.38 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°33'53" WEST, RADIAL TO SAID CURVE, A DISTANCE OF 570.00 FEET; THENCE NORTH 52°30'57" EAST, A DISTANCE OF 925.60 FEET; THENCE NORTH 89°26'07" EAST, A DISTANCE OF 1000.00 FEET; THENCE

EXHIBIT A
LEGAL DESCRIPTION

NORTH 00°33'53" WEST, A DISTANCE OF 725.61 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY BOUNDARY OF SAID PLAT OF LEXINGTON I OF SHERBROOKE; THENCE SOUTH 89°26'07" WEST, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 2610.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THE NORTH 55 FEET OF LOTS 3 AND 4, BLOCK 42, "PALM BEACH FARMS COMPANY PLAT NO. 13", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 98, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

THE LAKE WORTH DRAINAGE DISTRICT L-16 CANAL RIGHT-OF-WAY RECORDED IN OFFICIAL RECORDS BOOK 2597, PAGE 73 AND OFFICIAL RECORDS BOOK 5896, PAGE 497 OF SAID PUBLIC RECORDS.

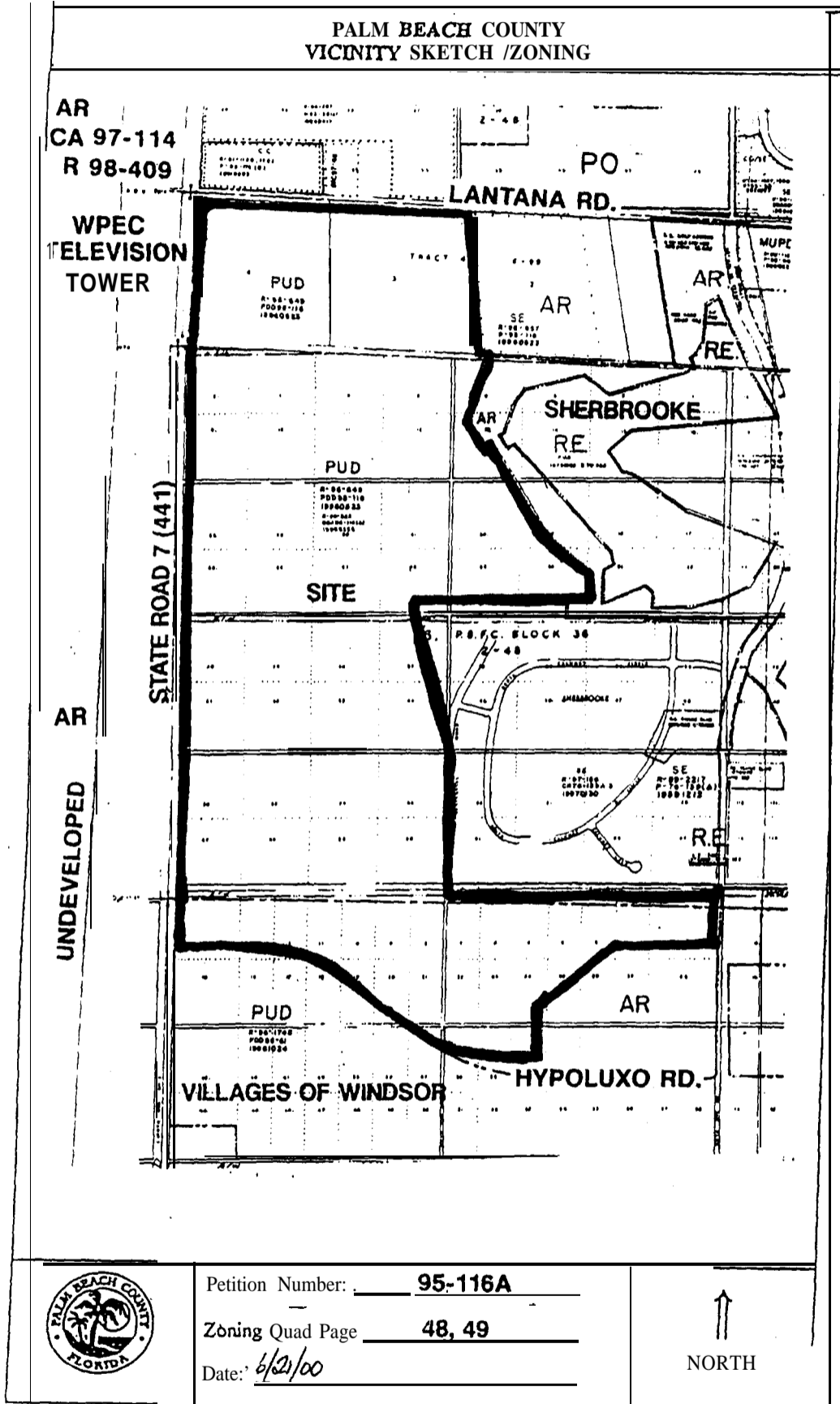
CONTINUING 24, 126,429 SQUARE FEET/553.867 ACRES, MORE AND LESS,

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH

EXHIBIT B



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EXHIBIT C.I

TDR CONDITIONS OF APPROVAL

1. The preliminary development plan dated August 28, 2000 and perimeter/ internal buffers shown thereon shall not be modified unless approved by the BCC. The receiving area for the seventeen (17) TDR units shall be limited to Pod G only. (ONGOING: ZONING)
2. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, a "Contract for Sale and Purchase of **TDR's**" shall be executed by the applicant, in a manner and form approved by the Office of the County Attorney, and formally executed by the Chairman of the Board of County Commissioners. The Contract shall accommodate a maximum of 17 TDR units at a selling price of \$9,833.00 per unit. (DRC: COUNTY ATTORNEY-Zoning)
3. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, two (2) recorded copies of the "Contract for Sale and Purchase of TDR's" shall be provided to the Palm Beach County Zoning Division. (DRC: ZONING)
4. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, monies representing 17 TDR units shall be placed in an escrow account in a form acceptable to Palm Beach County. (DRC: ZONING)
5. Prior to the issuance of the first building permit, the escrow monies shall be released to Palm Beach County. Building permits issued for sales models and/or a temporary real estate sales and management office permitted pursuant to the Unified Land Development Code standards shall not be the trigger for the release of the escrow funds. (BLDG PERMIT: MONITORING - ZONING)
6. Prior to the issuance of the first building permit, a deed conveying the applicable TDR units from the County TDR bank to the subject property, shall be executed and recorded in a manner and form approved by the Office of the County Attorney. This condition does not apply to building permits issued for sales models and/or a temporary real estate sales and management **office** permitted pursuant to the Unified Land Development Code standards. (BLDG PERMIT: MONITORING -ZONING)
7. Any additional increase in density must be requested through the TDR program. (ONGOING: ZONING)
8. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review-under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
9. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of

Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or

- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)