

RESOLUTION NO. R-2007-1430

RESOLUTION APPROVING ZONING APPLICATION TDR2006-1554
(CONTROL NO. 2006-503)
TRANSFER OF DEVELOPMENT RIGHTS
APPLICATION OF IN THE PINES, INC.
BY MILLER LAND PLANNING, AGENT
(IN THE PINES NORTH)

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 the Unified Land Development Code; 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, Zoning Application TDR2006-1554 was presented as a development order to the Board of County Commissioners at a public hearing conducted on August 23, 2007; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

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

1. Pursuant to Article 5.G.2 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 Article 5.G.2 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 Fiscal Year 2004-2005 be 50,000 per unit; and;
4. Pursuant to Article 5.G.2 of the ULDC, the Subject Property qualifies as a TDR Receiving Area; and
5. Pursuant to Article 5.2.G 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, Article 2.A.1.K.3.b (Action by the Board of County Commissioners) 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 TDR2006-1554 the application of In The Pines by Miller Land Planning, agent, for a Transfer of Development Rights for eleven (11) units and designate this application as the receiving area and to designate this application as the receiving area for those units 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, was approved on August 23, 2007, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Aye
John F. Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
District 3 Robert Kajian	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 23, 2007.

Filed with the Clerk of the Board of County Commissioners on 11th day of September.

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

BY:


COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

TRACT 116, BLOCK 64, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, LESS AND EXCEPT THE SOUTH 75 FEET THEREOF CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORD BOOK 2178, PAGE 1376.

AND

THAT PART OF TRACT 117, BLOCK 64, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WEST RIGHT OF WAY LINE IN HAGEN RANCH ROAD.

AND

THAT PORTION OF THE 30 FOOT ROAD RIGHT OF WAY LYING EAST OF AND ADJACENT TO SAID TRACT 116 AND BOUNDED AS FOLLOWS: ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 116, ON THE SOUTH BY THE EASTERLY PROJECTION OF A LINE 75 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 116, ON THE EAST BY THE WEST RIGHT OF WAY LINE OF HAGEN RANCH ROAD AND BY THE WEST LINE OF SAID TRACT 117 AND ON THE WEST BY THE EAST LINE OF SAID TRACT 116.

EXHIBIT B
VICINITY SKETCH

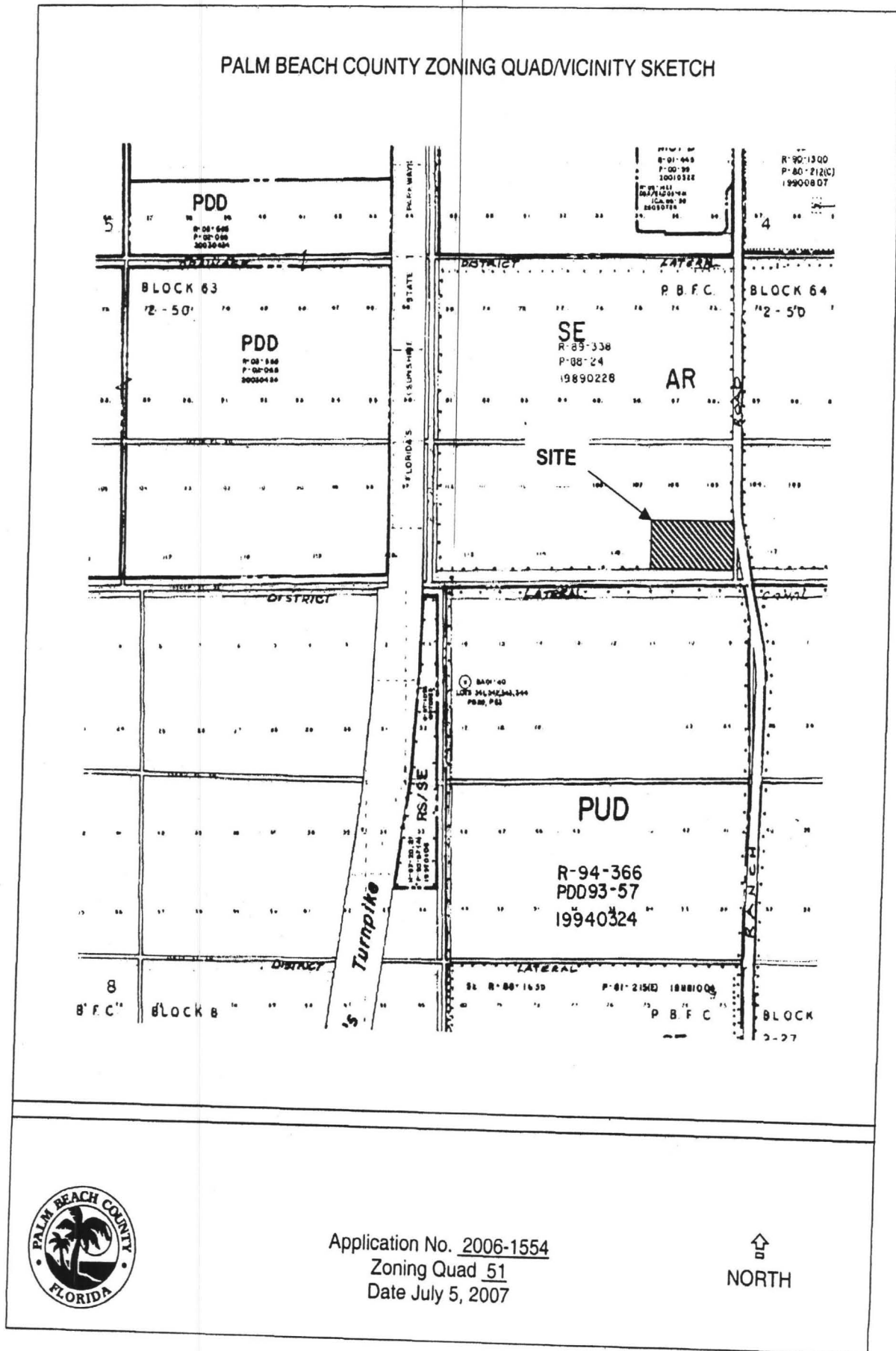


EXHIBIT C-1

TRANSFER OF DEVELOPMENT RIGHTS CONDITIONS OF APPROVAL

TRANSFER OF DEVELOPMENT RIGHTS

1. At time of submittal for final Development Review Officer (DRO) approval, an official Contract for Sale and Purchase of TDR Units", TDR Escrow Agreement", and TDR Deed" shall be submitted for final review and execution. (DRO: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall:
 - a. execute a Contract for Sale and Purchase of TDRs shall be executed by the property owner, 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 eleven (11) TDR units at a selling price of one dollar (\$1.00) per unit.
 - b. submit recorded copies of the Contract for Sale and Purchase of TDRs shall be provided to the Palm Beach County Zoning Division.
 - c. place monies representing eleven (11) TDR units in an escrow account in a form acceptable to Palm Beach County. (DRO: ZONING - Zoning)
3. Prior to the issuance of the first building permit, the escrow monies shall be released to Palm Beach County. (BLDG PERMIT: MONITORING - Zoning)
4. 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. (BLDG PERMIT: MONITORING - Zoning)