

RESOLUTION NO. R-96- 825

RESOLUTION APPROVING ZONING PETITION TDR96-44  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
PETITION OF GL HOMES OF BOCA RATON III CORPORATION  
BY KIERAN KILDAY, AGENT  
CAPELLA 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 zoning; 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 92-20), have been satisfied; and

WHEREAS, Zoning Petition TDR96-44 was presented to the Board of County Commissioners at a public hearing conducted on June 18, 1996; 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 6.10.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 TDR Unit associated with the Capella PUD (PDD96-44) be in the amount of \$5,575.00; and
4. Pursuant to Section 6.10. I. of the ULDC, the PDD96-44 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, Article 5, Section 5.3.D.9. (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that 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 TDR96-44, the petition of GL Homes of Boca Raton III Corporation by Kieran Kilday, agent, for the purchase of 215 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at \$5,575 each and designation of PDD96-44 as a receiving area for the 215 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 June 18, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

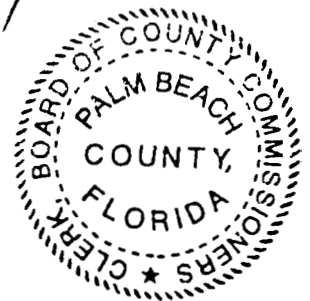
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION:**

TRACTS 17 THROUGH 34, INCLUSIVE, TRACTS 47 AND 48 ACCORDING TO THE PLAT FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, LYING IN SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1, PAGE 102 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE 30.00 FOOT RIGHT-OF-WAY ABANDONED BY PALM BEACH COUNTY, FLORIDA AS RECORDED IN OFFICIAL RECORD BOOK 8010, PAGES 634 THROUGH 643, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF A 30.00 FOOT PLATTED RIGHT-OF-WAY LYING SOUTH OF SAID TRACTS 24 AND 25, AND ALONG THE NORTH BOUNDARY OF SAID TRACTS 33 AND 48.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

ALL THAT PART OF THE EAST 1/2 OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 41 EAST, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE 40, AND NORTH OF THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY OVER AND ACROSS THE NORTH 80.00 FEET OF TRACT 46, FLORIDA FRUITLANDS COMPANY, IN SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNN, FLORIDA.

CONTAINING 199.505 ACRES: MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

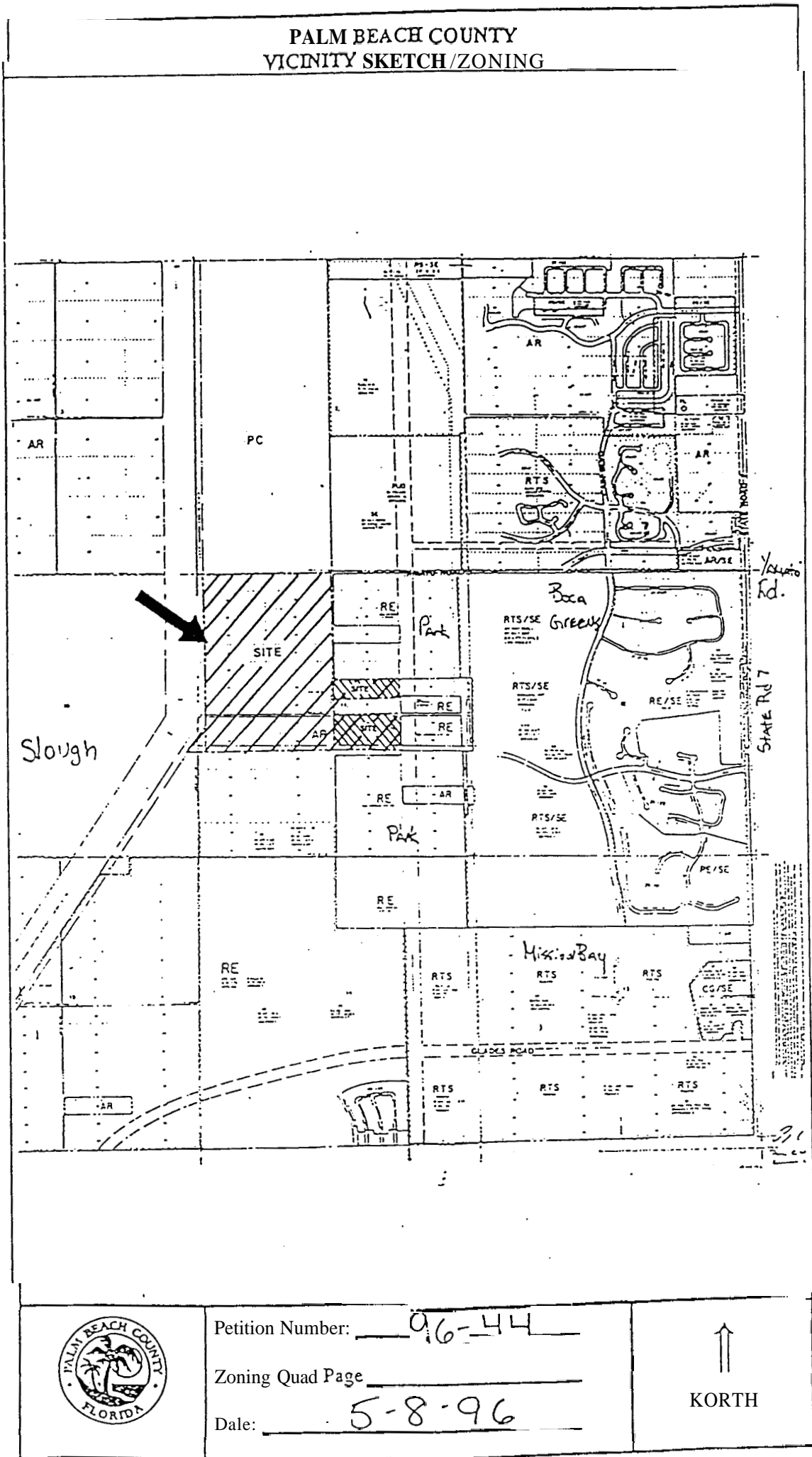


EXHIBIT C

CONDITIONS OF APPROVAL

A. PLANNING

1. Prior to certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the PDP shall be revised to indicate:
  - a. The property owner shall modify the Preliminary Development Plan as necessary to address seepage concerns of the South Florida Water Management District prior to final Preliminary Development Plan approval.
  - b. The ultimate right-of-way for the extension of Coral Ridge Drive in a manner which is satisfactory to the County Engineer; and
  - c. The location of adjacent school sites and right-of-way improvements for Kimberley Boulevard.

The modifications to the PDP shall be in a manner consistent with the plan which was reviewed by the LUAB/LPA at time of action on the TDR request. (DRC: PLANNING)

2. Prior to certification of the PDP by the DRC, a Contract *for* Sale and Purchase of TDR's shall be executed and recorded 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 up to 215 TDR Units at a selling price of \$5,575.00 per TDR Unit (Ref: ULDC Section 6.10.H.4). (DRC: PLANNING - Co Att)
3. Prior to the issuance of the first building permit, or December 31, 1997, whichever shall first occur, full payment for the TDR Units shall be made to Palm Beach County, and 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 temporary real estate sales and management office permitted pursuant to Unified Land Development Code standards. No administrative time extensions to this condition shall be granted. (BLDG PERMIT / DATE: MONITORING - Planning)

B. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- 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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.  
(MONITORING)