

RESOLUTION NO. R-2008- 0277

RESOLUTION APPROVING ZONING APPLICATION TDR2007-1398
(CONTROL NO. 2003-085)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF ASPEN SQUARE, LLC
BY URBAN DESIGN STUDIO, AGENT
(ASPEN SQUARE 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 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 TDR2007-1398 was presented as a development order to the Board of County Commissioners at a public hearing conducted on February 28, 2008; 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 TDR2007-1398 the application of Aspen Square, LLC by Urban Design Studio, agent, for a Transfer of Development Rights to for 35 units and designate this application 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, was approved on February 28, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Aye
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Aye
Burt Aaronson	¥	Absent
Jess R. Santamaria	¥	Aye

The Chairperson hereupon declared that the resolution was duly passed and adopted on February 28, 2008.

Filed with the Clerk of the Board of County Commissioners on February 28, 2008.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE SOUTH 260 FEET OF THE FOLLOWING DESCRIBED PROPERTY: THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, EXCEPT ANY PART THEREOF LYING WITHIN THE RIGHT OF WAY OF SIMS ROAD.

PARCEL 2:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; EXCEPT ANY PART LYING WITHIN THE RIGHT OF WAY OF SIMS ROAD.

PARCEL 3:

THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; LESS THE SOUTH 12.5 FEET THEREOF. SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

THE NORTH 200 FEET OF THE WEST TWO ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND EXCEPTING THEREFROM AND EXISTING RIGHT OF WAY FOR ANDY AND ALL PUBLIC UTILITIES. TOGETHER WITH AN EASEMENT FOR INGRESS EGRESS OVER THE WEST 20 FEET OF THE EAST THREE ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A PARCEL OF LAND BOUNDED AS FOLLOWS:

ON THE NORTH BY THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; ON THE EAST BY THE WEST LINE OF THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 42 EAST; ON THE SOUTH BY THE SOUTH LINE OF THE NORTH 200 FEET OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; ON THE WEST BY THE EAST LINE OF THE WEST TWO ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

PARCEL 5:

THE SOUTH 330 FEET OF THE NORTH 530 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THE WEST 2 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A PARCEL OF LAND BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF THE NORTH 200 FEET OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; ON THE EAST BY THE WEST LINE OF THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; ON THE SOUTH BY THE SOUTH LINE OF THE NORTH 530 FEET OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; ON THE WEST BY THE EAST LINE OF THE WEST 2 ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

PARCEL 6:

THE E 1/2 OF THE W 1/5 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4, LESS THE NORTH 530 FEET AND THE SOUTH 12.5 FEET THEREOF FOR ROAD RIGHT OF WAY, LYING IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SAID LAND LYING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A PARCEL OF LAND BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF THE NORTH 530 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; ON THE EAST BY THE WEST LINE OF THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; ON THE SOUTH BY A LINE BEING 12.5 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

CONTAINING 11.854 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

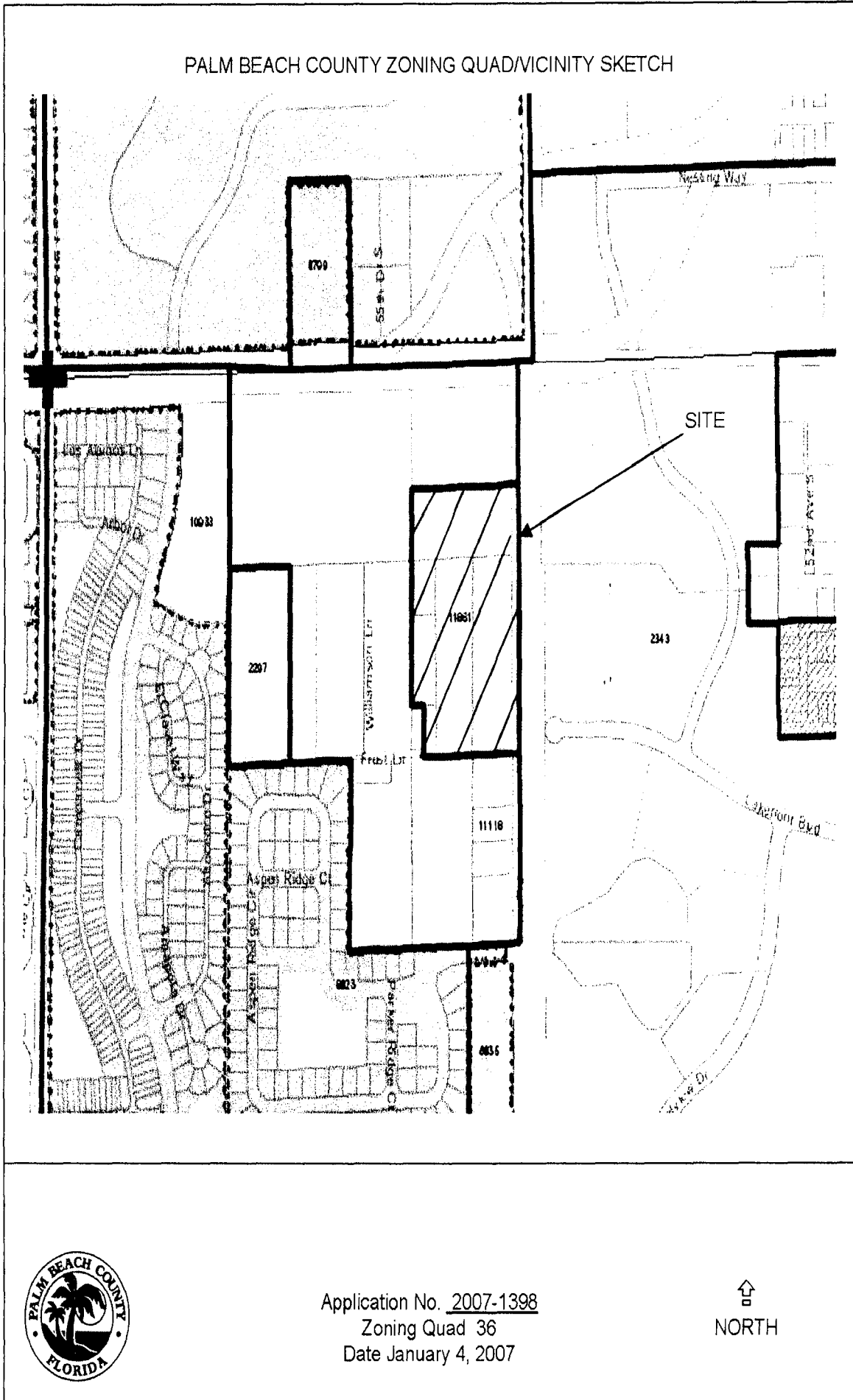


EXHIBIT C

TRANSFER OF DEVELOPMENT RIGHTS CONDITIONS OF APPROVAL

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 35 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 35 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)