

RESOLUTION NO. R-2011-1113

RESOLUTION APPROVING ZONING APPLICATION DOA/TDR-2010-03019
(CONTROL NO. 2008-00129)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF Westbrooke Homes Inc, Standard Pacific of South Florida
BY Land Design South, Inc., AGENT
(Andalucia 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 DOA/TDR-2010-03019 was presented as a development order to the Board of County Commissioners at a public hearing conducted on July 28, 2011; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Transfer of Development Rights and Article 5.G.2.K:

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/TDR-2010-03019 the application of Westbrooke Homes Inc, Standard Pacific of South Florida by Land Design South, Inc., agent, for a Transfer of Development Rights to allow for a reduction in the number of previously approved Transfer of Development Rights 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 July 28, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick 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:

Commissioner Karen T. Marcus, Chair	- Aye
Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Absent
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 28, 2011.

Filed with the Clerk of the Board of County Commissioners on August 2, 2011 .

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

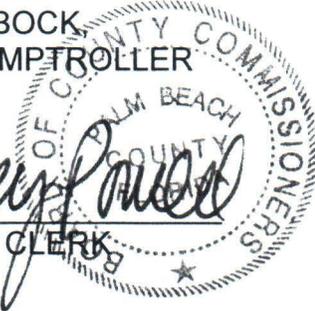


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

TRACT 38, LESS THE NORTH 35.64 FEET, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 41, LESS THE WEST 70 FEET THEREOF AS DESCRIBED IN OFFICIAL RECORD BOOK 4549, PAGE 1311, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 42 & 43, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 53 & 60, LESS THE SOUTH 35 FEET OF TRACT 60, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A PARCEL OF LAND LYING IN TRACT 44, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 44; THENCE NORTH 00°00'29" WEST ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 49.96 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET AND WHOSE CHORD BEARS SOUTH 82°06'07" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°27'05", A DISTANCE OF 136.20 FEET TO A POINT OF TANGENCY; THENCE SOUTH 74°52'34" EAST, A DISTANCE OF 58.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°39'56", A DISTANCE OF 117.74 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 44; THENCE SOUTH 89°59'31" WEST ALONG SAID SOUTH LINE OF TRACT 44, A DISTANCE OF 307.61 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 58.03 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH

NTS.

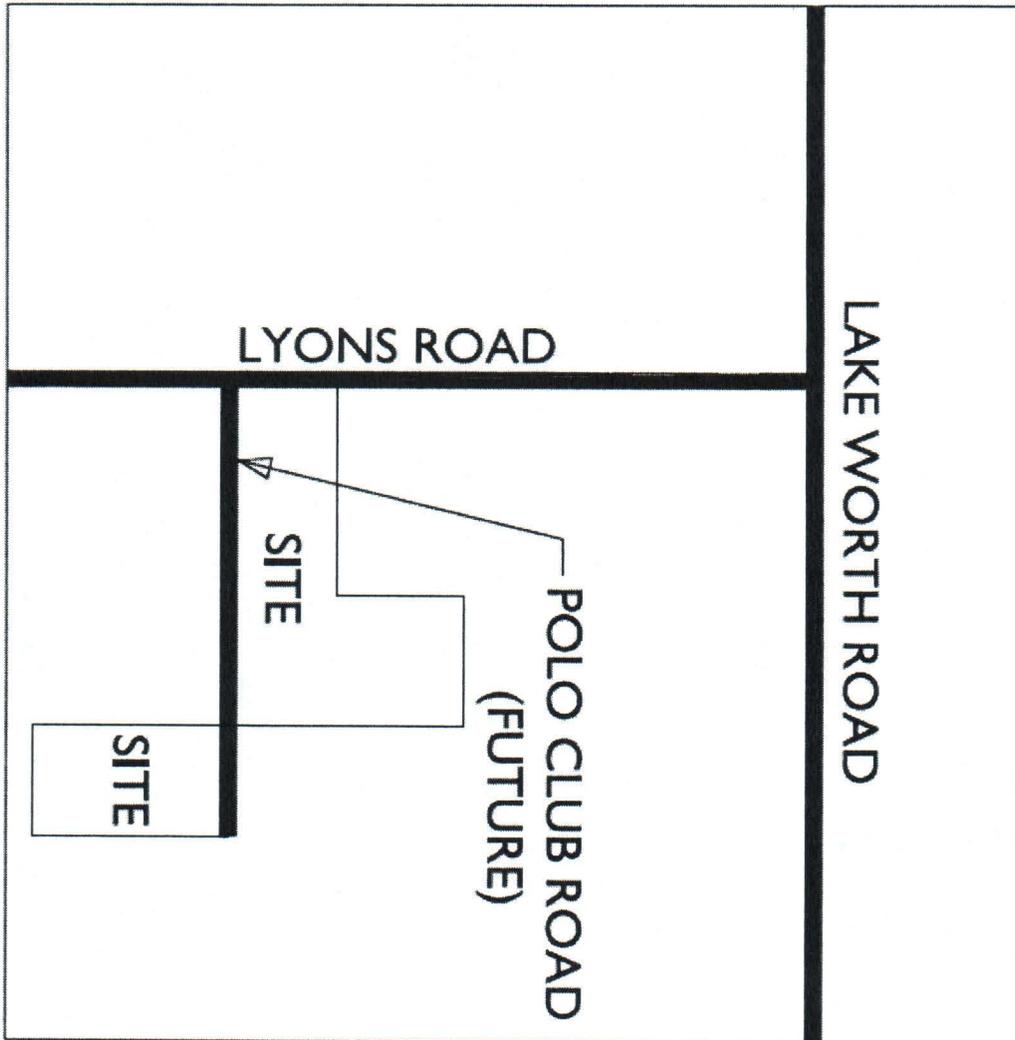


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-0375, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

TRANSFER OF DEVELOPMENT RIGHTS

1. Condition TDR 1 of Resolution R-2009-0373, Control 2008-129, which currently states:

At time of submittal for final Development Review Officer (DRO) approval, an official Contract for Sale and Purchase of TOR Units", and TOR Deed" shall be submitted for final review and execution. (DRO: ZONING - Zoning)

Is hereby deleted [Reason: not applicable]

2. Condition TDR 2 of Resolution R-2009-0373, Control 2008-129, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner/applicant shall perform the following:

- a. Execute a Contract for Sale and Purchase of TDRs" 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 one hundred fifteen (115) TOR units at a selling price of one dollar (\$1.00) for fifty-nine units and fifty thousand dollars (\$50,000.00) for fifty-six (56) units. Two (2) recorded copies of the Contract for Sale and Purchase of TDRs" shall be provided to the Palm Beach County Zoning Division.
- b. Purchase from the County fifty-nine (59) workforce housing TOR units at the cost of one (\$1) dollar a unit.
- c. Deliver a bond to the County approved by the Office of the County Attorney for the total cost of 56 market rate units. (DRO: ZONING - Co Att)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the property owner/applicant shall perform the following:

Execute a Contract for Sale and Purchase of TDRs" in a manner and form approved by the Office of the County Attorney, and executed by the Executive Director of Planning, Zoning, and Building. The Contract shall accommodate a maximum of twenty four (24) TDR units at a selling price of \$18,458.00 per unit for sixteen units and \$923.00 per unit for eight (8) units. Two (2) recorded copies of the Contract for Sale and Purchase of TDRs" shall be provided to the Palm Beach County Zoning Division. (DRO: ZONING - Co Att)

3. Condition TDR 3 of Resolution R-2009-0373, Control 2008-129, which currently states:

Prior to the issuance of first building permit in Phase 1, a TDR deed for fifty-nine (59) units shall be executed and recorded in a manner and form approved by the Office of the County Attorney. (BLDG PERMIT: MONITORING - Co Att)

Is hereby amended to read:

Prior to the issuance of first building permit a TDR deed for twenty-four (24) units shall be recorded in the public records of Palm Beach County. (BLDG PERMIT: MONITORING - Co Att)

4. Condition TDR 3 of Resolution R-2009-0373, Control 2008-129, which currently states:

Prior to the issuance of the first building permit in Phase 2, a full payment for the fifty six (56) market rate TDR units shall be made to the County. (BLDG PERMIT: MONITORING - Co Att)

Is hereby amended to read:

Prior to subdivision approval or issuance of the first building permit, whichever occurs first, full payment for the twenty four (24) TDR units shall be made to the County. (BLDG PERMIT: MONITORING - Co Att)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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)

2. 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 (CO); 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; revocation of any concurrency; 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 Unified Land Development Code (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.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)