

RESOLUTION NO. R-2002-0624

RESOLUTION APPROVING ZONING PETITION TDR2001-059  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
PETITION OF MI HOMES  
BY JULIAN BRYAN & ASSOCIATES INC, AGENT  
(BETHESDA 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 TDR2001-059 was presented as a development order to the Board of County Commissioners at a public hearing conducted on April 25, 2002; 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 County TDR units for FYOI-02 be \$10,399.00 per unit; and; and
4. Pursuant to Section 6.10.I. of the ULDC, the PDD2001-059 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 TDR2001-059 the petition of MI Homes by Julian Bryan & Associates Inc, agent, for a Transfer of Development Rights for 25 units and to designate this petiton 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 April 25, 2002 , 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 Roberts and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Nay
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Nay
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 29 day of May, 2002.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK

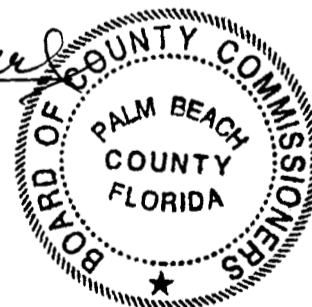


EXHIBIT A  
LEGAL DESCRIPTION

**Parcel 1**

A parcel of land lying in Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 16;  
Thence South  $89^{\circ}-59'-03''$  West, along the North line of said Section 16, a distance of 992.01 feet to the Point of Beginning;  
Thence continue South  $89^{\circ}-59'-03''$  West, along the North line of said Section 16, a distance of 533.71 feet to a point on a line 1119.33 feet East of and parallel to the North South Quarter Section line of said Section 16;  
Thence South  $1^{\circ}-17'-53''$  West, along said parallel line, a distance of 691.18 feet to a point on the South line of the North Half (N $\frac{1}{2}$ ) of the North Half (N $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16;  
Thence North  $90^{\circ}-00'-00''$  East, along the South line of the North Half (N $\frac{1}{2}$ ) of the North Half (N $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16, a distance of 536.61 feet;  
Thence North  $1^{\circ}-03'-26''$  East, a distance of 691.26 feet to the Point of Beginning.

AND

**Parcel 2**

The West 719.33 feet of the North Half (N $\frac{1}{2}$ ) of the North Half (N $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, LESS the East 344.67 feet and LESS the South 315.89 feet thereof.

AND

**Parcel 3**

A parcel of land lying in Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

The South 315.89 feet of the West 719.33 feet of the North Half (N $\frac{1}{2}$ ) of the North Half (N $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16.

AND

**Parcel 4**

A parcel of land lying in Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

The East 344.67 feet of the West 719.33 feet, LESS the South 315.89 feet of the North Half (N $\frac{1}{2}$ ) of the North Half (N $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16.

AND

**Parcel 5**

A parcel of land lying in Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

EXHIBIT A  
LEGAL DESCRIPTION

The East 200 feet of the West 919.33 feet of the North Half (N  $\frac{1}{2}$ ) of the North Half (N  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section 16.

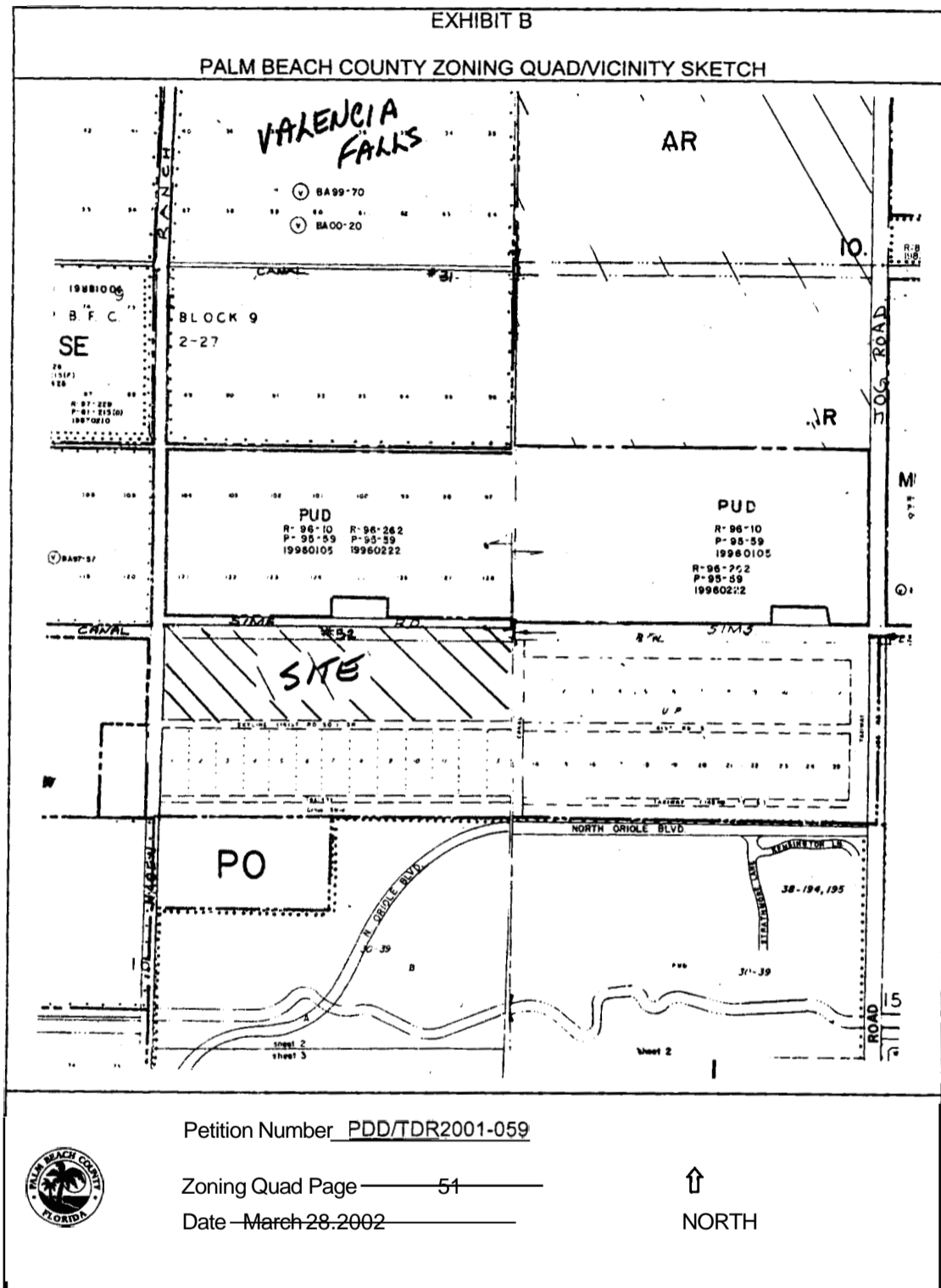
AND

**Parcel 6**

A parcel of land lying in Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

The East 200 feet of the West 1119.33 feet of the North Half (N  $\frac{1}{2}$ ) of the North Half (N  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section 16.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C.1

### TDR CONDITIONS OF APPROVAL

1. The preliminary development plan dated and perimeter/ internal buffers shown thereon shall not be modified unless approved by the BCC. (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 25 TDR units at a selling price of \$10,399.00 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 25 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)