

RESOLUTION NO. R-97- 251

RESOLUTION APPROVING ZONING PETITION TDR96-71
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
PETITION OF HOLIDAY ORGANIZATION, INC.
BY LEE STARKEY, AGENT
(THE COLONY 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 TDR96-71 was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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 Colony PUD (PDD96-71) be in the amount of \$5,575.00; and
4. Pursuant to Section 6.10.1. of the ULDC, the PDD96-71 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 TDR96-71, the petition of Holiday Organization, Inc. by Lee Starkey, Agent, for the purchase of 19 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at \$5,575 each and designation of PDD96-71 as a receiving area for the 19 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 January 30, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

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

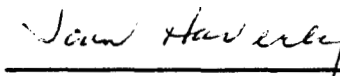
The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

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

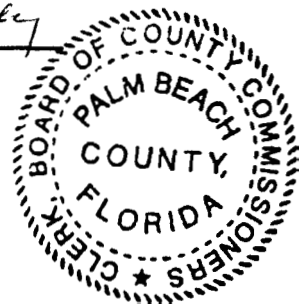


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

The east 100 feet of the N 1/2 of that part of Tract 6, in the SE 1/4 of Section 12, Township 45 South, Range 42 East, lying south of the right-of-way line for Lake Worth Drainage District Canal Number 19, Palm Beach County, Florida, AND:

That part of the south half of Tract 6 in the Southeast Quarter (SE 1/4) of Section 12, Township 45 South, Range 42 East, according to the amended plat thereof recorded in Plat Book 9, Page 74, of the Public Records of Palm Beach County, Florida, described as follows:

Beginning at a point on the south line of said Tract 6, a distance of 400 feet easterly, measured along the south line of said Tract 6, from the southwest corner of said Tract 6, run north on a line parallel to the west line of said Tract 6, to the north line of the south half of said Tract 6; thence run easterly along the north line of the south half of said Tract 6 to the northeast corner of the south half of said Tract 6, thence run southerly along the east line of the south half of said Tract 6 to the southeast corner of said Tract 6, thence run westerly along the south line of said Tract 6 to the POINT OF BEGINNING, AND:

Tracts 5, 7 and 14, Southeast Quarter of amended Plat of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida (less road right-of-way for Military Trail). AND:

Sub of SE 1/4 North 35 feet of westerly 400 feet of south 1/2 of Tract 6 (less road right-of-way Military Trail), AND

The south one quarter of the northeast one quarter of the southwest one quarter of Section 12, Township 45 South, Range 42 East, LESS the south 85 feet of the east 300 feet thereof, and LESS the easterly 60 feet for the right-of-way of State Road 809

EXHIBIT B
VICINITY SKETCH

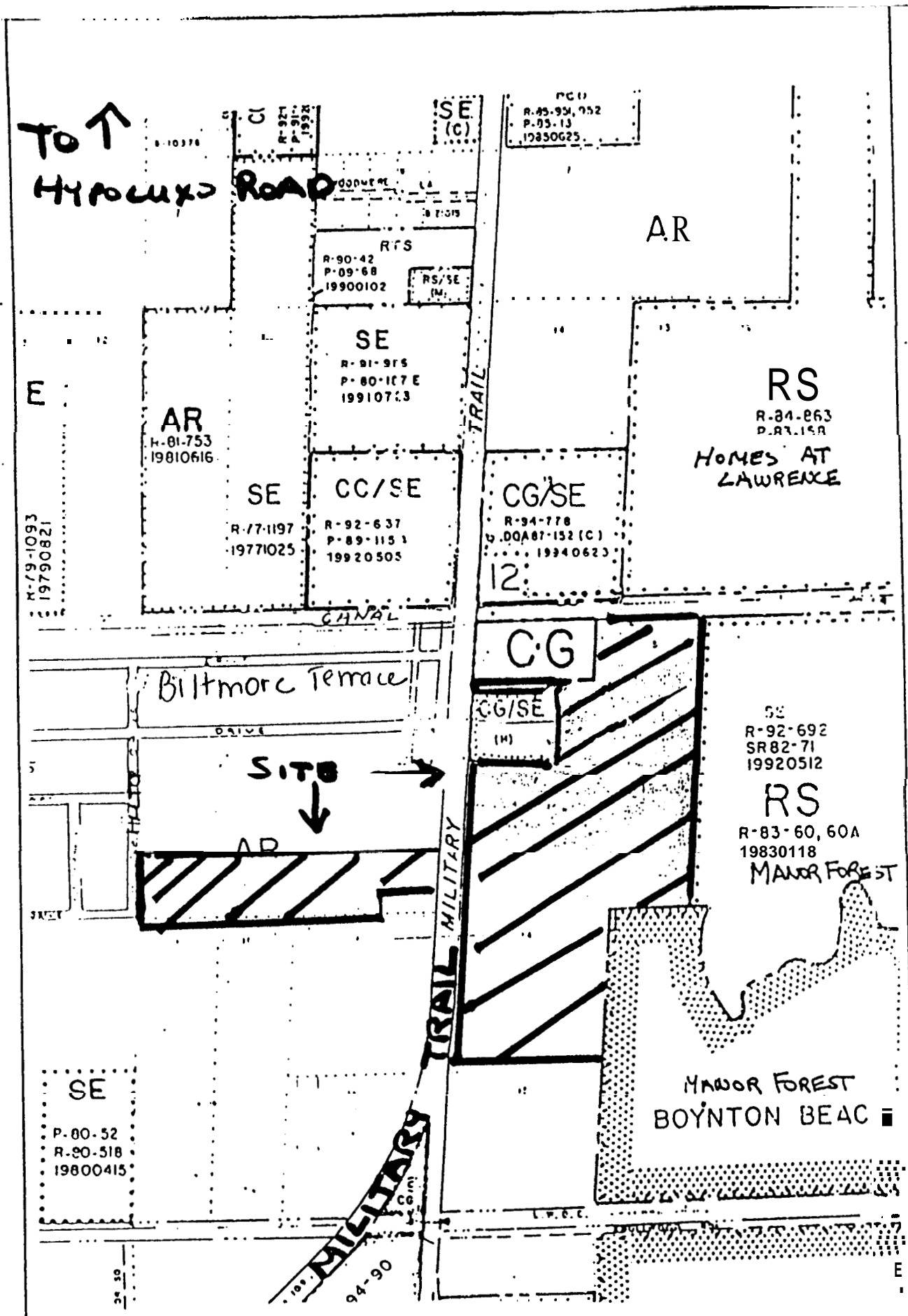


EXHIBIT C

TDR CONDITIONS OF APPROVAL

A. PLANNING

1. 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 a maximum of **19** TDR Units at a selling price of **\$5,575.00** per unit. (DRC: PLANNING - Co Att)
2. Prior to the issuance of the first building permit, **or January 30, 1998**, whichever occurs first, 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 a 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 noncompliance, 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)