

RESOLUTION NO. R-98- 746

RESOLUTION APPROVING ZONING PETITION TDR97-72(A)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
PETITION OF THOROUGHbred LAKES ESTATES
BY KILDAY & ASSOCIATES, INC., AGENT
THOROUGHbred LAKES ESTATES

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 TDR97-72(A) was presented as a development order to the Board of County Commissioners at a public hearing conducted on May 28, 1998; 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, the recommendation of the Land Use Advisory Board, 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 Thoroughbred Lakes Estates TDR97-72(A) be in the amount of \$5,600.00; and
4. Pursuant to Section 6.10.1. of the ULDC, the TDR97-72(A) 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 TDR97-72(A) the petition of Thoroughbred Lakes Estates by Kilday & Associates, Inc., agent, for a Transfer of Development Rights for 46 additional TDR units at \$5,600.00 each and designate PDD97-72(A) as the receiving area for 35 units (for a total of 35 TDR units) and designate PDD97-72 as the receiving area for 11 units (for a total of 127 TDR 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, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 28, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Allen*
COUNTY ATTORNEY

BY: *Joan Heverly*
DEPUTY CLERK

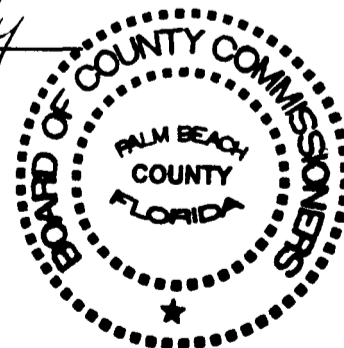


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL ONE:

A PARCEL OF LAND SITUATED IN SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF BLOCK 35, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 SECTION CORNER OF SAID SECTION 36, THENCE N02°03'38" E, ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF MID SECTION 36, A DISTANCE OF 133.98 FEET; THENCE S87°56'22" E A DISTANCE OF 55.00 FEET TO A LINE 55.00 FEET EAST OF AND PARALLEL WITH SAID NORTH-SOUTH QUARTER SECTION LINE, AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE N02°03'38" E ALONG SAID PARALLEL LINE, A DISTANCE OF 2253.67 FEET TO A LINE 47.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF TRACTS 17 THROUGH 20, OF SAID BLOCK 35; THENCE N89°03'39" E ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 2390.15 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441) AS RECORDED IN OFFICIAL RECORD BOOK 6676, PAGE 186 OF SAID PUBLIC RECORDS; THENCE S01°29'08" W ALONG WEST RIGHT-OF-WAY LINE, A DISTANCE OF 50.04 FEET TO A LINE 97.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF LOTS 17 THROUGH 20; THENCE S89°03'39" W ALONG THE LAST SAID PARALLEL LINE, A DISTANCE OF 942.89 FEET TO THE EAST LINE OF LOT 19; THENCE S00°59'30" E ALONG SAID EAST LINE OF LOT 19, THE WEST LINE OF LOT 22 AND ITS EXTENSION ACROSS THE PLATTED PALM BEACH FARMS COMPANY RIGHT-OF-WAY, 30 FEET IN WIDTH, AND ALONG THE EAST LINE OF LOT 27, A DISTANCE OF 1901.14 FEET; THENCE DEPARTING FROM SAID EAST LINE, S89°32'55" W A DISTANCE OF 353.10 FEET; THENCE S00°27'05" E A DISTANCE OF 343.04 FEET TO A LINE 130.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LOTS 29 & 30 OF SAID BLOCK 35; THENCE N89°01'00" W ALONG SAID PARALLEL LINE A DISTANCE OF 1209.50 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL TWO:

TRACTS 23 AND 24, BLOCK 35, OF M E PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 48, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, LESS, HOWEVER, THE RIGHT OF WAY FOR STATE ROAD NO. 7, AS RECORDED IN ROAD PLAT BOOK 1, PAGE 40, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

TOGETHER WITH:

A PORTION OF TRACT 26, BLOCK 35, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 48, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 26, THENCE SOUTH 00°59'30" EAST (ASSUMED) ALONG THE WEST LINE OF SAID TRACT 26, A DISTANCE OF 242.99 FEET; THENCE NORTH 89°03'39" EAST, A DISTANCE OF 602.87 FEET; THENCE NORTH 01°35'26" EAST, A DISTANCE 243.22 FEET TO A POINT IN THE NORTH LINE OF SAID TRACT 26; THENCE SOUTH 89°03'39" WEST ALONG SAID NORTH LINE OF TRACT 26, A DISTANCE OF 613.56 FEET TO THE POINT OF BEGINNING AFORESAID.

TOGETHER WITH:

CERTAIN PORTIONS OF THAT ROAD RIGHT OF WAY ABANDONED BY RESOLUTION NO. R-78-759 AS RECORDED IN OFFICIAL RECORDS BOOK 2898, ON PAGES 203 THROUGH 206, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

BUT LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL FOR THE ULTIMATE RIGHT OF WAY OF STATE ROAD NO. 7:

THAT PORTION OF TRACT 24, TOGETHER WITH THE PORTION OF THE ROAD RIGHT OF WAY ABANDONED BY RESOLUTION NO. R-78-759 RECORDED IN OFFICIAL RECORDS BOOK 2898, PAGE 203, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WHICH LIE WITHIN 240 FEET OF, AS MEASURED AT RIGHT ANGLES TO, THE GUARDRAIL ALONG THE EASTERLY SIDE OF STATE ROAD NO. 7, LESS THE RIGHT OF WAY OF STATE ROAD NO. 7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 40, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 94.622 ACRES, MORE OR LESS.

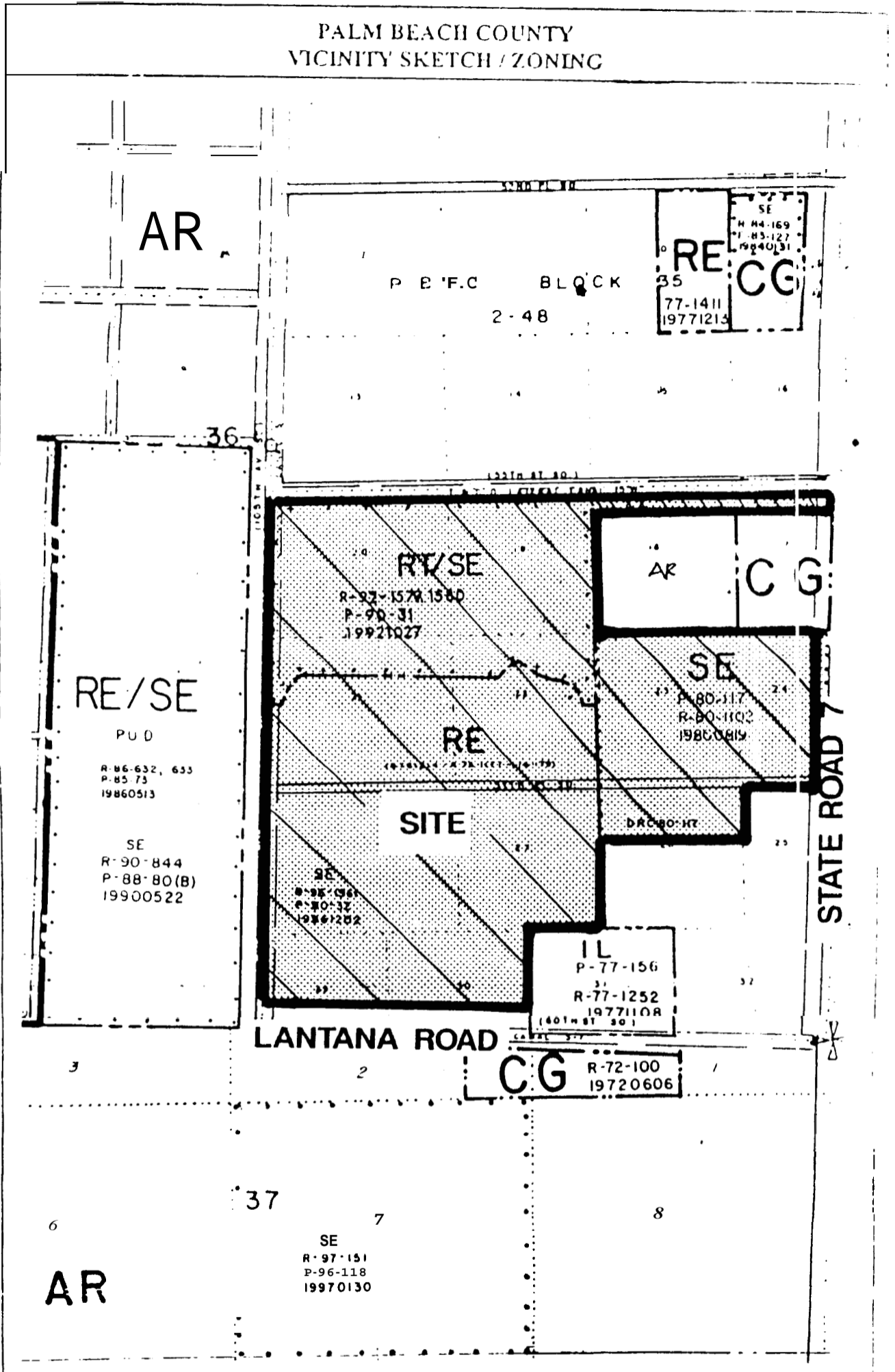
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

97 - 72 A

FEB 18 1998

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING





	Petition Number PDD97-72	 NORTH
	Zoning Quad Page 63	
	Date: February 18, 1998	

EXHIBIT C2

TDR CONDITIONS OF APPROVAL

A. PLANNING

1. Previous TDR Condition A.1 of R98-119, P97-72 which currently states:

Prior to certification of the Preliminary Development Plan (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 **116** TDR units at a selling price of **\$5,575.00** per unit. (DRC: PLANNING)

Is hereby amended to read:

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 116 TDR units at a selling price of \$5,575.00 per unit (per Petition No. 97-72/Resolution R98-119) and 46 TDR units at a selling price of \$5,600.01) per PDD/TDR 97-72A. (DRC: PLANNING)

2. 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 Planning Division. (DRC: PLANNING) (Previous TDR Condition A.2 of R98-119, P97-72)

3. Previous TDR Condition A.3 of R98-119, P97-72 which currently states:

Prior to certification of the Preliminary Development Plan (PDP) by the DRC, monies representing **116** TDR units shall be placed in an **escrow** account in a form acceptable to Palm Beach County. (DRC: PLANNING)

Is hereby amended to read:

Prior to certification of ~~the~~ Preliminary Development Plan (PDP) by the DRC, monies representing 116 TDR units (per Petition No. 97-72/Resolution R98-119) and 46 TDR units (per PDD/TDR 97-72A) shall **be** placed in an **es xow** account in a form acceptable to Palm Beach County. (DRC: PLANNING)

4. 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 managerlent 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 • Planning) (Previous TDR Condition A.4 of R98-119, P97-72)

5. 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 - Planning) (Previous TDR Condition A.5 of R98-119, P97-72)
6. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, the petitioner shall provide PUD buffers on all property lines in accordance with Petition # **97-80 TDR 1**. (DRC: PLANNING) (Previous TDR Condition A.6 of R98-119, P97-72)
7. Any additional increase in density must be requested through the TDR program. (ONGOING: PLANNING) (Previous TDR Condition A.7 of R98-119, P97-72)
8. Should the 17.66 acre parcel (PCN 004243-27-05-056-0230) be deleted from the PUD, **only** thirty-five (35) total TDR units would be attributed to this parcel. (ONGOING: 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.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board 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 **5.8** of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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) (Previous TDR Condition B.1 of R98-119, P97-72)