

RESOLUTION NO. R-2006- 0930

RESOLUTION APPROVING ZONING APPLICATION TDR2005-977
(CONTROL NO. 2005-130)
TRANSFER OF DEVELOPMENT RIGHTS
APPLICATION OF HYPOLUXO JOG LLC
BY LAND DESIGN SOUTH, INC., AGENT

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended), have been satisfied; and

WHEREAS, Zoning Application TDR2005-977 was presented as a development order to the Board of County Commissioners at a public hearing conducted on May 25, 2006; 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 has considered the findings in the staff report and the following findings of fact:

1. Pursuant to Article 5.G.2.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.G.4 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 FY03-04 be \$25,000.00 per unit; and;
4. Pursuant to Article 5.G.2.H. of the ULDC, the 14990 qualifies as a TDR Receiving Area; and
5. Pursuant to Article 5.2.G.2.J.5 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 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 TDR2005-977 the application of Hypoluxo Jog LLC by Land Design South, Inc., agent, for a Transfer of Development Rights to allow the Transfer of Development Rights and to designate this petition as the receiving area for those 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 25, 2006, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Koons 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:

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	

The Chairman thereupon declared that the resolution was duly passed and adopted on May 25, 2006.

Filed with the Clerk of the Board of County Commissioners on 25th day of May, 2006.


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: (KELLEY)

Folio #00-42-45-10-01-002-0010

The East one half of the Southeast quarter of the Northeast quarter of the Northeast quarter of Section Ten (10), Township 45 South, Range 42 East, less the North 30 feet thereof, less the South 25 feet thereof and less the East 40 feet thereof for road and canal purposes; also described as Lot 1, Block 2, Palm Beach Ranches (unrecorded); and

The West one half of the Southeast quarter of the Northeast quarter of the Northeast quarter, Section 10, Township 45 South, Range 42 East, Less the North 30 feet thereof, less the South 25 feet thereof for road and canal purposes; also described as Lot 2, Block 2, Palm Beach Ranches (unrecorded).

PARCEL 2: (BAKKER)

Parcel A

Folio #00-42-45-10-01-002-0033 & 00-42-45-10-01-002-0043

SEE LEGAL DESCRIPTION EXHIBIT "A-1" ATTACHED

Parcel B

Folio #00-42-45-10-01-003-0040

The West half of the Northwest quarter of the Southeast quarter of the Northeast quarter of the Section 10, Township 45 South, Range 42 East, Except the North 25 feet and the South 30 feet for road and canal purposes. Otherwise described as Lot 4, Block 3, Palm Beach Ranches (unrecorded plat), Palm Beach County, Florida.

Parcel C

Folio #00-42-45-10-01-003-0050

The East one-half of the Northeast one-quarter of the Southwest one-quarter of the Northeast one-quarter of Section 10, Township 45 South, Range 42 East, less the North 25 feet and the South 30 feet for road and canal purposes; also known as Lot 5, Block 3, Palm Beach Ranches (unrecorded plat), Palm Beach County, Florida.

PARCEL 3: (COBB TR)

Parcel A

Folio #00-42-45-10-01-002-0044

A parcel of land in the Northeast quarter of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of said Northeast quarter of Section 10, run thence Southerly along the West line of said Northeast quarter, which is also the center line of Jog Road, as now laid out and in use, a distance of 684.52 feet; thence run Easterly, angling 86° 04' 29" from North to East a distance of 1211.64 feet; thence run Southerly, angling 85° 53' 06" from West to South, a distance of 229.29 feet to the Point of Beginning; thence continue Southerly on the same course a distance of 229.29 feet; thence run Westerly, angling 90° 00' 54" from North to West, a distance of 201.66 feet; thence run Northerly, angling 86° 01' 00" from East to North, a distance of 229.10 feet; thence run Easterly, angling 94° 02' 00" from South to East, a distance of 201.80 feet to the Point of Beginning.

Subject to restrictions and easements for road purposes, in O.R. Book 325, Page 305, Palm Beach County Public Records; Declaration of Additional Restrictions, in O.R. Book 524, Page 39, Palm Beach County Public Records; Oil and Mineral Reservations in Deed

recorded in Deed Book 970, Page 181, Palm Beach County Public Records; and reservations and rights of way in favor of Lake Worth Drainage District dated October 11, 1950, recorded in Deed Book 922, Page 147, Palm Beach County Public Records.

Parcel B

Folio #00-42-45-10-01-002-0060

The West half (W ½) of the Southeast quarter (SE ¼) of the Northwest quarter (NW ¼) of the Northeast quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, except the North 30 feet and the South 25 feet for road and canal purposes.

Parcel C

Folio #00-42-45-10-01-003-0060

W ½ of NE ¼ of SW ¼ of NE ¼ of Section 10, Township 45 South, Range 42 East, less the South 30 feet, and the North 25 feet, for road and canal purposes also known as Lot 6, in Block 3, Palm Beach Ranches, an unrecorded subdivision.

PARCEL 4: (KRUEGER)

Folio #00-42-45-10-01-002-0071; 0072; 0082

The North ½ of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of Section 10, Township 45 South, Range 42 East, LESS the East 170 feet thereof AND LESS the North 30 feet thereof and the West 40 feet thereof for canal and roadway purposes AND LESS that portion conveyed to Palm Beach County in that certain Right-of-Way Warranty Deed recorded in O.R. Book 6278, Page 1345; AND the North ½ of the South ½ of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of Section 10, Township 45 South, Range 42 East, LESS the West 297 feet thereof; said land situate, lying and being in Palm Beach County, Florida.

Said land also being a portion of Lots 7 and 8, Block 2, of the West portion of Palm Beach Ranches, Northeast quarter of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida unrecorded plat.

PARCEL 5: (JAEB TR)

Parcel A - Folio #00-42-45-10-01-002-0081

The West 297 feet of the South half of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the South 25 feet and the West 40 feet thereof for road and canal purposes, Palm Beach County, Florida.

Further less that portion conveyed to Palm Beach County recorded in O.R. Book 6277, Page 319, Public Records of Palm Beach County, Florida.

Parcel B - Folio #00-42-45-10-01-002-0083

The South half of the South half of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the West 297 feet thereof, and also LESS the South 25 feet thereof for canal purposes, Palm Beach County, Florida.

Parcel C - Folio #00-42-45-10-01-003-0070

The North half of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the North 56 feet and the West 40 feet thereof for road and canal purposes and also less the East 150 feet of the West 190 feet of said North half of the Northwest quarter of the Southwest quarter of the Northeast quarter, Palm Beach County, Florida.

Parcel D - Folio #00-42-45-10-01-003-0071

The East 150 feet of the West 190 feet of the North ½ of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, LESS the North 56 feet thereof for canal purposes, Palm Beach County, Florida.

Further less that portion conveyed to Palm Beach County recorded in O.R. Book 6277, Page 207, Public Records of Palm Beach County, Florida.

PARCEL 6: (QUISENBERRY)

Folio #00-42-45-10-01-003-0010

The East half of the NE ¼ of the SE ¼ of the NE ¼ of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, EXCEPT the South 30 feet, the North 25 feet and the East 40 feet for road and canal purposes. Otherwise described as Lot 1, Block 3, Palm Beach Ranches (unrecorded plat)

PARCEL 7: (TILEY)

Folio #00-42-45-10-01-003-0021; 0022

The West half of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 10, Township 45 South, Range 42 East, EXCEPT THE NORTH 25 FEET and the South 30 feet for road and canal purposes. Otherwise described as Lot 2, Block 3, Palm Beach Ranches (unrecorded plat), located in Palm Beach County, Florida.

PARCEL 8: (BROWN)

Folio #00-42-45-10-01-003-0030

The East ½ of the Northwest ¼ of the Southeast ¼ of the Northeast ¼ of Section 10, Township 45 South, Range 42 East, excepting the North 25 feet and the South 30 feet for road and canal purposes, A/K/A Palm Beach Ranches, Lot 3, Block 3

PARCEL 9: (PURVIS)

Folio #00-42-45-10-01-003-0080

The South half of the Northwest quarter of the Southwest quarter of the Northeast quarter, Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida; except the South 30 feet and the West 40 feet for road and canal purposes.

Less that portion conveyed to Palm Beach County recorded in O.R. Book 6306, Page 223, Public Records of Palm Beach County, Florida.

PARCEL 10: (PURVIS)

Parcel A - Folio #00-42-45-10-01-004-0050

The East half (E ½) of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, EXCEPT the North 30 feet for road and canal purposes, lying and being in Palm Beach County, Florida. (Also known as Lot 5, Block 4, Palm Beach Ranches, unrecorded.)

Parcel B - Folio #00-42-45-10-01-004-0060

The West half (W ½) of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the North 30 feet thereof. (Also known as Lot 6 in Block 4, Palm Beach Ranches, unrecorded)

PARCEL 11: (COX)

Folio #00-42-45-10-01-004-0071

N ½ of the SW ¼ of the SW ¼ of NE ¼ of Section 10, Township 45 South, Range 42 East, less the East 203 feet thereof, and less the North 30 feet thereof, and less the West 40 feet thereof; also described as Lot 7, Block 4, less the East 203 feet thereof, of Palm Beach Ranches, in accordance with the unrecorded plat thereof.

Less Right of Way for Jog Road as conveyed to Palm Beach County by Deeds recorded in O.R. Book 6248, Page 1548 and O.R. Book 8986, Page 1006, Public Records of Palm Beach County, Florida.

PARCEL 12: (LEONARD)

Folio #00-42-45-10-01-004-0072

The land referred to in this Exhibit is located in the County of Palm Beach and the State of Florida in Deed Book 1158 at Page 21 and described as follows:

The East 203 feet of the N ½ of the SW ¼ of the SW ¼ of the NE ¼ of Section 10, Township 45 South, Range 42 East, less the North 30 feet thereof.

Otherwise described as the East 203 feet of Lot 7, Block 4, of Palm Beach Ranches, unrecorded Plat.

PARCEL 13: (PALM BEACH COUNTY)

A portion of Folio #00-42-45-10-01-009-0000

A variable width strip of land lying within Section 10, Township 45 South, Range 42 East and also lying within an easement for canal purposes recorded in Official Records Book 325 on page 305 of the Public Records of Palm Beach County, Florida, and being more particularly described as follows:

Commencing at the northeast corner of Section 10, Township 45 South, Range 42 East; thence South 03°46'16" West, as a basis of bearings, along the east line of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 1,358.94 feet; thence South 89°34'36" West, departing said line, a distance of 40.10 feet to the POINT OF BEGINNING; thence South 03°46'16" West, a distance of 50.13 feet; thence South 89°34'36" West, along a line lying 25.00 feet south of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 1,975.01 feet; thence South 03°27'31" West, departing said line, a distance of 31.07 feet; thence South 89°34'36" West, along a line lying 56.00 feet south of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 625.84 feet to the east right-of-way line of Jog Road as recorded in Official Records Book 6277 on Page 207 of the Public Records of Palm Beach County, Florida; thence North 02°51'02" East, along said right-of-way line and the northerly prolongation thereof, a distance of 81.13 feet; thence North 89°34'36" East, along a line lying 25.00 feet north of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10, a distance of 962.60 feet; thence South 03°32'40" West, departing said line, a distance of 25.06 feet to a point on the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10; thence North 89°34'36" East, along said south line, a distance of 1,007.64 feet; thence North 03°40'03" East, departing said south line, a distance of 25.06 feet to a point on a line lying 25.00 feet north of and parallel with the south line of the north one-half (N 1/2) of the northeast one-quarter (NE 1/4) of said Section 10; thence North 89°34'36" East, along said line, a distance of 631.69 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 124,289.22 square feet or 2.85 acres, more or less (NOTE: This commitment does not insure the square footage or acreage of this parcel)

EXHIBIT B
VICINITY SKETCH

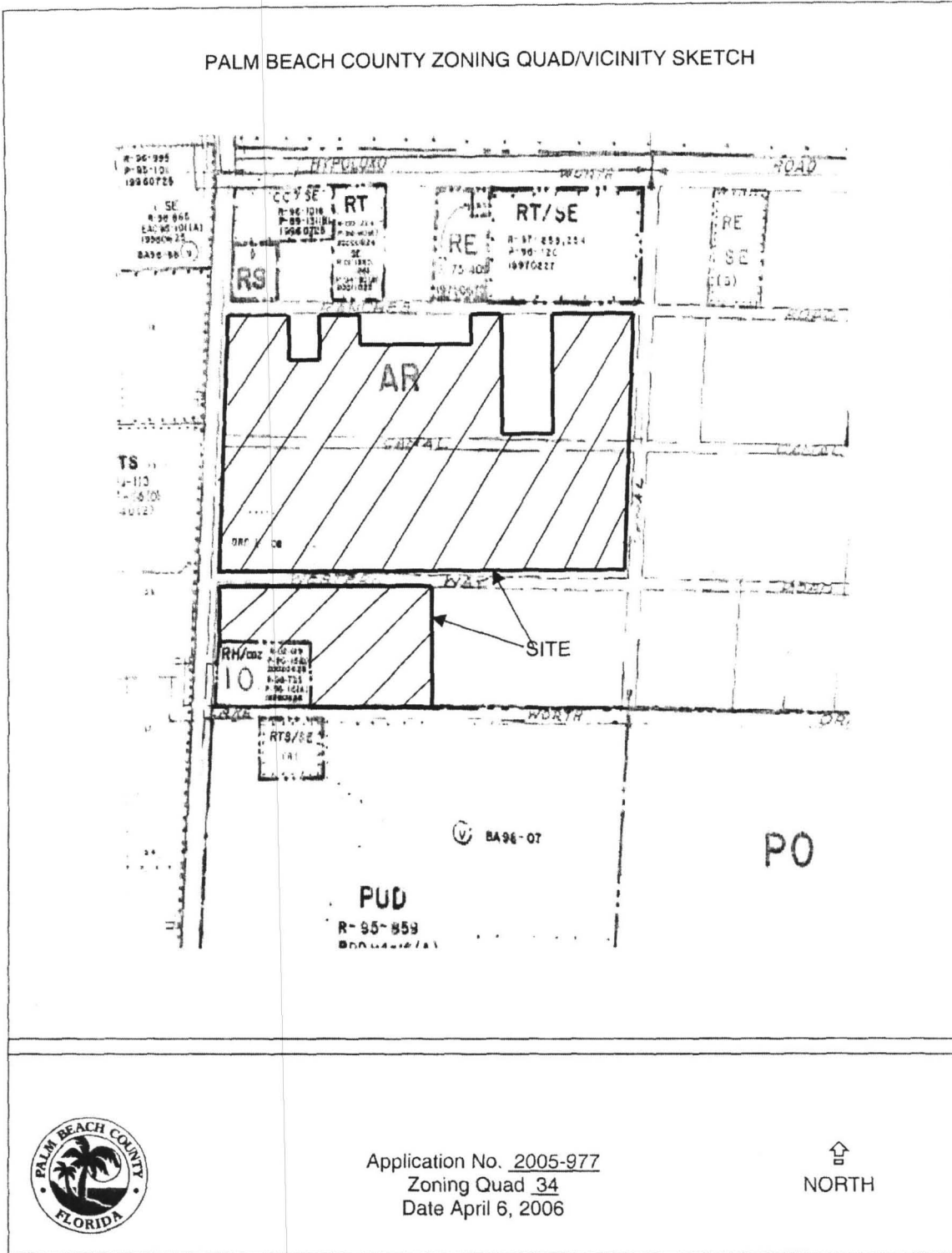


EXHIBIT C-1

TRANSFER OF DEVELOPMENT RIGHTS CONDITIONS OF APPROVAL

TRANSFER OF DEVELOPMENT RIGHTS

1. The Master Plan dated May 10, 2006 and perimeter/internal buffers shown thereon shall not be modified unless approved by the BCC. (ONGOING: ZONING - Zoning)
2. 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)
3. Prior to final approval of the Master and/or Site Plans by the Development Review Officer (DRO), 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 one hundred twenty-three (123) TDR units at a selling price of \$1.00 per unit for the thirty-seven (37) workforce housing units and \$25,000.00 per unit for the remaining eighty-six (86) units. (DRO: COUNTY ATTORNEY - Zoning)
4. Prior to final approval by the Development Review Officer (DRO, 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 - Zoning)
5. Prior to final approval by the Development Review Officer (DRO, monies representing one hundred twenty-three (123) TDR units shall be placed in an escrow account in a form acceptable to Palm Beach County. (DRO: ZONING - Zoning)
6. Prior to the issuance of the first building permit, the escrow monies shall be released to Palm Beach County. (BLDG PERMIT: MONITORING - Zoning)
7. 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)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 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 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)