

RESOLUTION NO. R-2007- 1242

RESOLUTION APPROVING ZONING APPLICATION TDR2006-1931
(CONTROL NO. 2003-061)
TRANSFER OF DEVELOPMENT RIGHTS
APPLICATION OF KIRK ANGELOCCI
BY LAND DESIGN SOUTH, AGENT
(ANGELOCCI PROPERTY 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 TDR2006-1931 was presented as a development order to the Board of County Commissioners at a public hearing conducted on July 26, 2007; 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 has considered the findings in the staff report and the following findings of fact:

1. Pursuant to Article 5.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 FLUE Policy 2.6-I, the Board of County Commissioners has established the TDR price of \$1.00 per unit;
4. Pursuant to Article 5.G.2 of the ULDC, the Subject Property qualifies as a TDR Receiving Area; and
5. Pursuant to Article 5.2.G 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.A.1.K.3.b (Action by the Board of County Commissioners) 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 TDR2006-1931, the application of Kirk Angelocci by Land Design South, Inc., agent, for a Transfer of Development Rights for 14 units and to designate this application 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, was approved on July 26, 2007, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Aye
Karen T. Marcus District 3	- Absent
Mary McCarty	- Absent
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 26, 2007.

Filed with the Clerk of the Board of County Commissioners on 22nd day of August.


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 I:

The West One-Half of the East one-half of the East one-half of the Southwest quarter of the Northeast quarter, Section 14, Township 44 South, Range 42 East, being a part of Lots 21 to 24 inclusive of **MODEL LAND COMPANY SUBDIVISION**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 5, Page 78, **LESS** right-of-way for Purdy Lane as now laid out in use.

AND

PARCEL II:

The North 500 feet of the East 138 feet of the West 1/2 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, **LESS** right-of-way for Purdy Lane as now laid out in use.

AND

PARCEL IV:

The West 1/2 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, **LESS** the North 500.00 feet of the East 138.0 feet thereof. Subject to the rights of way for Purdy Lane and Lake Worth Drainage District Canal L-9.

AND

PARCEL V:

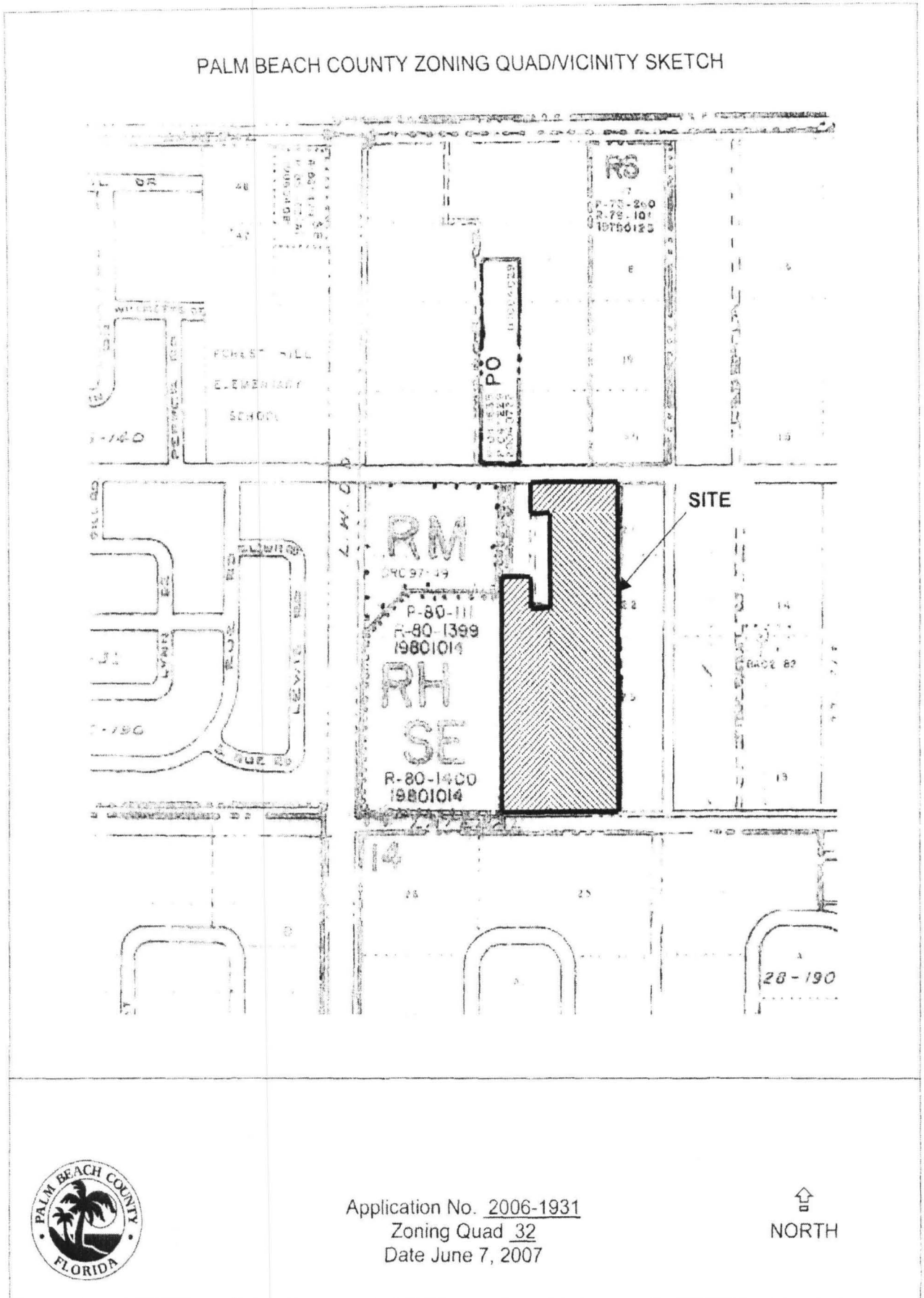
The South 125.0 feet of the West 82.0 feet of that portion of the West half of the East half of the Southwest quarter of the Northeast quarter of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, lying South of Purdy Lane.

AND

PARCEL VI:

The North 105.0 feet of that portion of the West half of the East half of the Southwest quarter of the Northeast quarter of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, lying South of Purdy Lane, **LESS AND EXCEPT** the West 112.0 feet and the East 138.0 feet thereof.

EXHIBIT B
VICINITY SKETCH



Application No. 2006-1931
Zoning Quad 32
Date June 7, 2007



EXHIBIT C-1

TRANSFER DEVELOPMENT RIGHTS
CONDITIONS OF APPROVAL

TRANSFER OF DEVELOPMENT RIGHTS

1. All previous conditions of approval applicable to Transfer Development Rights, as contained in Resolution R-2005-817 (Control 2003-061), 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous TDR 1 Condition of R-2005-817 which currently states:

The master plan dated March 22, 2005 and perimeter/internal buffers shown thereon shall not be modified unless approved by the BCC. (ONGOING: ZONING - Zoning)

Is hereby deleted (Reason: Buffers will be modified to comply with Landscaping Condition 6)

3. Previous TDR Condition 2 which currently reads:

Prior to final approval of the site plan by the Development Review Officer (DRO), a "Contract for Sale and Purchase of TDR's" 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 37 TDR units at a selling price of \$15,000.00 per unit. (DRO: COUNTY ATTORNEY – Cty Atty)

Is hereby amended to read

Prior to final approval of the site plan by the Development Review Officer (DRO), a "Contract for Sale and Purchase of TDR's" 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 51 TDR units at a selling price of \$1.00 per unit or as determined by the Board of County Commissioners. (DRO: COUNTY ATTORNEY – Cty Atty)

4. Prior to final approval of the site plan 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) (Previously TDR Condition 3 of R-2005-817)

5. Previous TDR Condition 4 which currently states:

Prior to final approval of the site plan by the Development Review Officer (DRO), monies representing a maximum of 37 TDR units shall be placed in an escrow account in a form acceptable to Palm Beach County. (DRO: ZONING - Zoning)

Is hereby amended to read

Prior to final approval of the site plan by the Development Review Officer (DRO), monies representing a maximum of 51 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) (Previously TDR Condition 5 of R-2005-817)
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) (Previously TDR Condition 6 of R-2005-817)
8. Any additional increase in density must be requested through the TDR program. (ONGOING: Zoning-Zoning) (Previously TDR Condition 7 of R-2005-817)

Is hereby deleted (Reason: Applicant has maximized TDR availability)