

RESOLUTION NO. R-2007- 2148

RESOLUTION APPROVING ZONING APPLICATION TDR2006-022
(CONTROL NO. 2006-010)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF COLONIAL LAKES LLC
BY KIM GLAS-CASTRO, AGENT
(COLONIAL LAKES)

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 TDR2006-022 was presented as a development order to the Board of County Commissioners at a public hearing conducted on November 29, 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 Article 5.G.2 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 Fiscal Year 2004-2005 be \$1.00 per unit; and;
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 TDR2006-022 the application of Colonial Lakes LLC by Kim Glas-Castro, agent, for a Transfer of Development Rights to allow the price at \$1.00 per unit 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 November 29, 2007, 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 McCarty and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	- Absent
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Absent
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson hereupon declared that the resolution was duly passed and adopted on November 29, 2007.

Filed with the Clerk of the Board of County Commissioners on November 29th, 2007

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 NO. 1:

The North 150 feet of the South 1050 feet of the East 220 feet of the West ½ of the East ½ of the Northeast ¼ of the Northeast ¼ of Section 26, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL NO. 2:

The South 200 feet of the West ½ of the East ½ of the Northeast ¼ of the Northeast ¼ of Section 26, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL NO. 3:

The West ½ of the East ½ of the Northeast ¼ of the Northeast ¼ of Section 26, Township 44 South, Range 42 East, Palm Beach County, Florida.

LESS the North 76 feet thereof.

LESS the South 200 feet thereof.

LESS the north 150 feet of the South 1050 feet of the East 220 feet thereof.

Containing 428,805 Square feet, 9.84 Acres

EXHIBIT B
VICINITY SKETCH

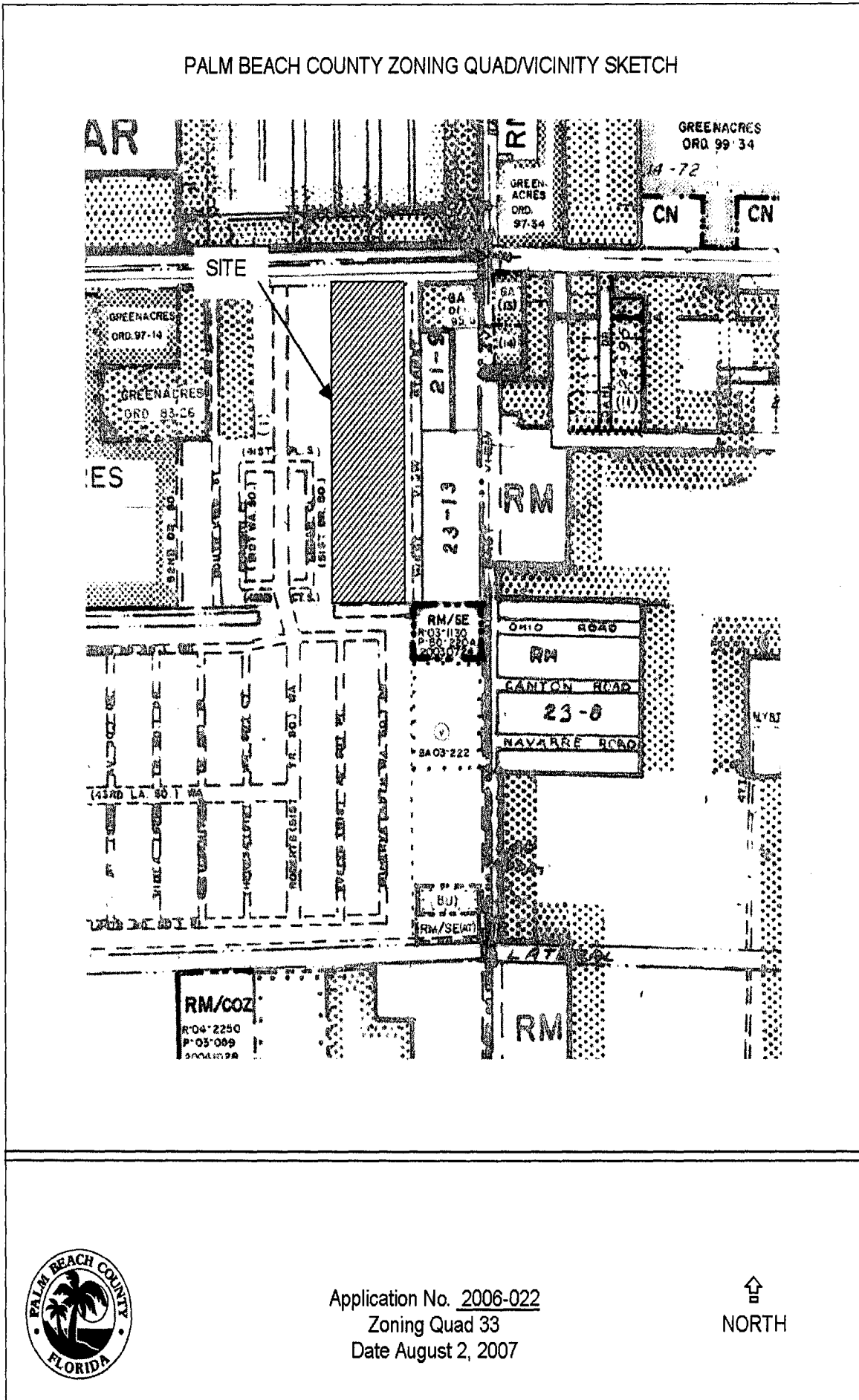


EXHIBIT C-1

CONDITIONS OF APPROVAL

TRANSFER OF DEVELOPMENT RIGHTS

1. 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)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall:
 - a. execute a Contract for Sale and Purchase of TDRs 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 thirty five (35) TDR units at a selling price of 1.00 per unit.
 - b. submit recorded copies of the Contract for Sale and Purchase of TDRs shall be provided to the Palm Beach County Zoning Division.
 - c. place monies representing thirty five (35) TDR units in an escrow account in a form acceptable to Palm Beach County. (DRO: ZONING - Zoning)
3. Prior to the issuance of the first building permit, the escrow monies shall be released to Palm Beach County. (BLDG PERMIT: MONITORING - Zoning)
4. 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)