

RESOLUTION NO. R-2008- 0122

RESOLUTION APPROVING ZONING APPLICATION TDR2007-509  
(CONTROL NO. 2007-053)  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
APPLICATION OF SITU GROUP, LLC  
BY SEMINOLE BAY LAND COMPANY INC., AGENT  
(GULFSTREAM VILLAS)

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 TDR2007-509 was presented as a development order to the Board of County Commissioners at a public hearing conducted on January 24, 2008; 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 recommend \$50,000 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 TDR2007-509 the application of Situ Group, LLC by Seminole Bay Land Company Inc., agent, for a Transfer of Development Rights to allow 3 units, of which 3 units are Work Force Housing 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 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Jeff 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
Jeff Koons, Vice Chair	Aye
Karen T. Marcus	-Aye
Robert J. Kanjian	Aye
Mary McCarty	-Aye
Burt Aaronson	-Aye
Jess R. Santamaria	-Aye

The Chairperson hereupon declared that the resolution was duly passed and adopted on January 24, 2008.

Filed with the Clerk of the Board of County Commissioners on January 24, 2008.

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



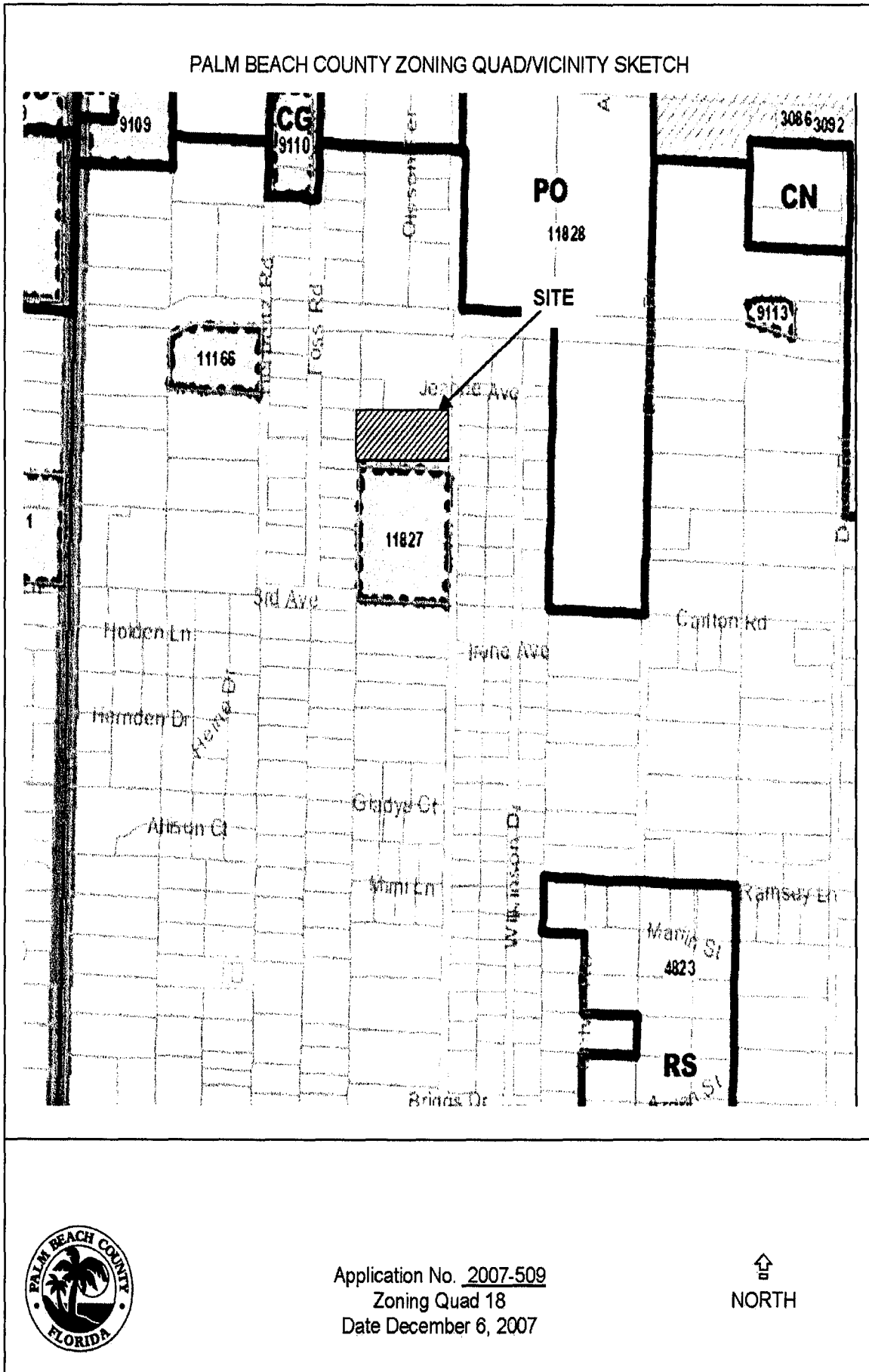
## EXHIBIT A

### LEGAL DESCRIPTION

The South ½ of Tract B, Block 20 and the North ½ of Tract C, Block 20, of the plat thereof recorded in Plat Book 5, Page 72 in PALM BEACH FARMS COMPANY, PLAT NO. 7, according to the plat thereof on file in the Office of the Clerk of Court in and for Palm Beach County, Florida; TOGETHER WITH a parcel of land located in the North ½ of aforesaid Tract B, Block 20, more particularly described as follows:

Beginning at the Northwest corner of aforesaid South ½ of Tract B, Block 20, run on an assumed bearing of due North, said line being the West line of aforesaid Block 20, for a distance of 7.47 feet to a point, said being the Northeast corner of Lot 26, FOSS SUBDIVISION, as recorded in Plat Book 24, Page 137, of the Public Records of PALM BEACH County, Florida; thence run South 84d 17' 29" East, a distance of 80.40 feet to a point on the North line of aforesaid South ½ of Tract B, Block 20; thence run North 89d 27' 35" West, along the North line of aforesaid South ½ of Tract B, Block 20; thence run 89d 27' 35" West, along the North line of aforesaid South ½ of Tract B, Block 20 a distance of 80.00 feet to the Point of Beginning, LESS any portion of the above property lying within the legal description recorded in Official Records Book 6960, Page 233, of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



Application No. 2007-509  
Zoning Quad 18  
Date December 6, 2007



## EXHIBIT C

### TRANSFER OF DEVELOPMENT RIGHTS CONDITIONS OF APPROVAL

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/applicant shall perform the following:
  - a. Execute a Contract for Sale and Purchase of TDRs 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 three (3) TDR units at a selling price of one dollar (\$1.00) per unit. Two (2) recorded copies of the Contract for Sale and Purchase of TDRs shall be provided to the Palm Beach County Zoning Division.
  - b. Monies representing three (3) of TDR units shall be placed in an escrow account in a form acceptable to Palm Beach County or the non-refundable monies shall be paid to Palm Beach County.
  - c. Execute a deed conveying the applicable TDR units from the County TDR bank to the subject property. (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 recorded and a copy provided to the Zoning Division. (BLDG PERMIT: MONITORING - Zoning)