

RESOLUTION NO. R-2008- 0928

RESOLUTION APPROVING ZONING APPLICATION TDR-2007-1400
(CONTROL NO. 2005-103)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF HAVERHILL ACRES LLC
BY JEFF H. IRAVANI, INC., AGENT
(HAVERHILL ACRES)

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 TDR-2007-1400 was presented as a development order to the Board of County Commissioners at a public hearing conducted on May 22, 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 recommended that the sale price for a County TDR units for FY 2004-2005 be \$50,000.00 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 TDR-2007-1400 the application of Haverhill Acres LLC by Jeff H. Irvani, Inc., agent, for a Transfer of Development Rights To allow the Transfer of Development Rights for 29 units and to designate this site as the receiving area, and to allow the sale of each TDR unit that is designated as workforce housing at a cost of \$1.00 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 May 22, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Robert Kanjian 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 | ¥ | Aye |
| Mary McCarty | ¥ | Absent |
| Burt Aaronson | ¥ | Aye |
| Jess R. Santamaria | ¥ | Aye |

The Chairperson hereupon declared that the resolution was duly passed and adopted on May 22, 2008.

Filed with the Clerk of the Board of County Commissioners on 13th day of June, 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

JHI

Jeff H. Iravani, Inc.

Consulting Engineers

1934 Commerce Lane, Suite 5 Jupiter, Florida 33458

Tel: (561) 575-6030 Fax: (561) 575-6088

JHI@bellsouth.net

Haverhill Acres

Legal Description

PBC Petition # 05-103

JHI Project # 0310-777

LEGAL DESCRIPTION

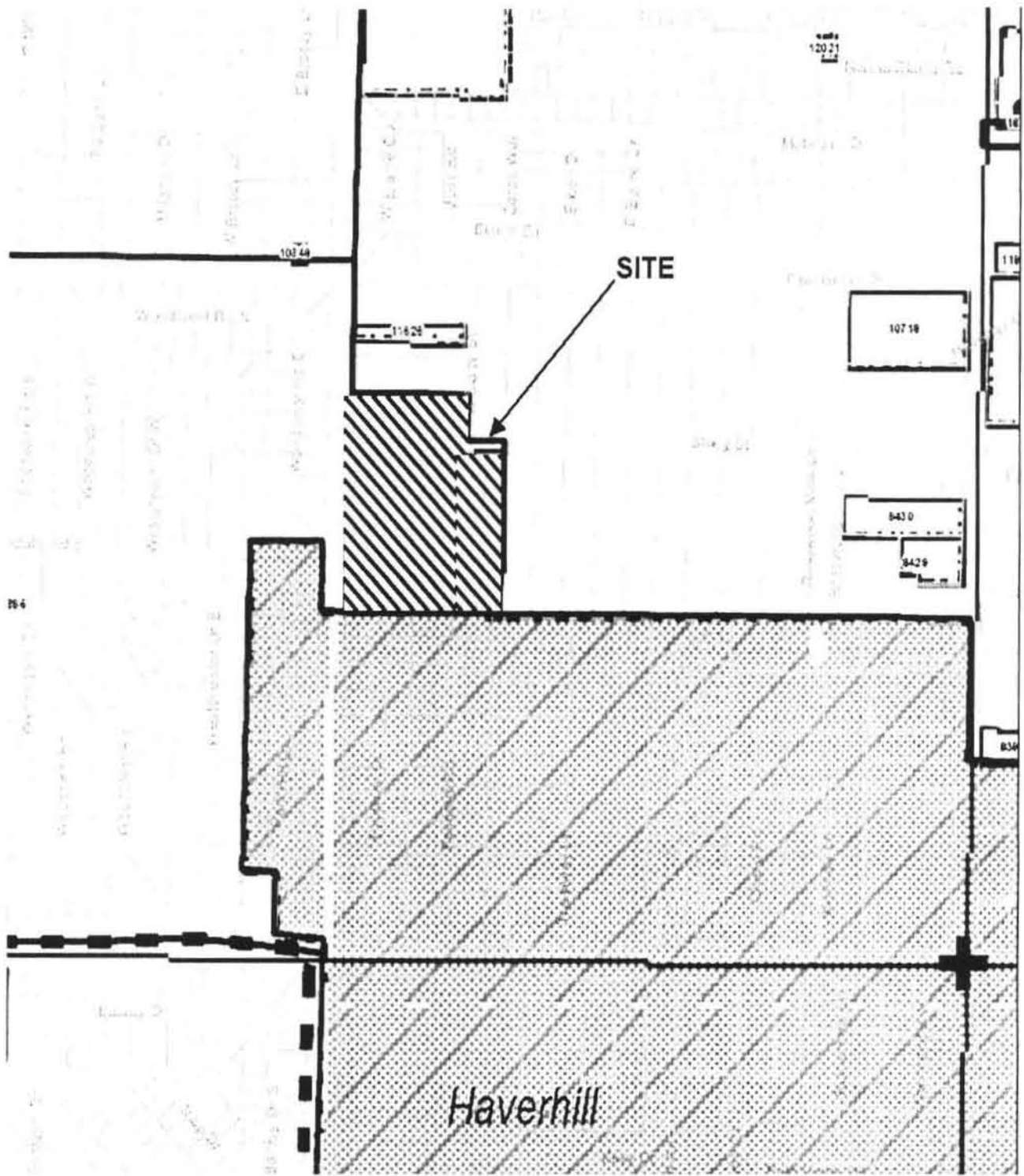
Lots 21, 22, 23, 24, 25 and 26, less the West 2.47 feet thereof, together with all of lot 20, of "HAVERHILL ACRES" as recorded in Plat Book 20, Page 75 of the public records of Palm Beach County, Florida; together with a portion of Stacy Road, the entire parcel being more particularly described as follows:

Begin at the southeast corner of said Lot 20, thence North 89' 27' 01" west on the South line of lots 20 and 21 for 647.53 feet to the intersection with a line 2.47 feet east of and parallel with the west line of said lots 21 through 26; thence North 01' 21' 41" East on said parallel line 852.33 feet to the intersection with the North line of said lot 26; thence South 89' 27' 01" East on said North line 467.53 feet to the intersection with the West Right-of-Way line of said Stacy Road as depicted on said plat, also being the Northeast corner of said lot 26; thence south 01' 21' 41" West on said West right-of-way line and on the East line of said lots 26 and 25 for 206.59 feet to the Westerly extension of the South Right-of-Way line of Stacy Street (Stacy Road per plat); thence south 89' 26' 09" East on said extension and said South Right-of-Way also being the North line of aforementioned lot 20 for 180.00 feet to the Northeast corner of said lot 20; thence South 01' 21' 41" West on the East line of said lot 20 for 645.70 feet to the point of beginning.

Said lands situate, lying and being in Palm Beach County, Florida containing 514,668 square feet (11.8152 acres)

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2007-1400
Zoning Quad 31
Date May 1, 2008



EXHIBIT C

TRANSFER OF DEVELOPMENT RIGHTS 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/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 twenty-nine (29) 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 twenty-nine (29) 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. (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 twenty nine (29) 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 Zoning Commission relied upon the oral and written representations of the property owner/applicant 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 Zoning Commission 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

This resolution will become effective when filed with the Clerk of the Board of County Commissioners.