

3.0.14.6

RESOLUTION NO. R-2009- 0172

RESOLUTION APPROVING ZONING APPLICATION ZV/CA/TDR-2008-00612  
(CONTROL NO. 2008-00110)  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
APPLICATION OF Place of Hope Inc, Village of Hope of Palm Beach County Inc  
BY Cotleur & Hearing, Inc., AGENT  
(Village of Hope)

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 ZV/CA/TDR-2008-00612 was presented as a development order to the Board of County Commissioners at a public hearing conducted on January 29, 2009; 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 2005-06 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 ZV/CA/TDR-2008-00612 the application of Place of Hope Inc, Village of Hope of Palm Beach County Inc by Cotleur & Hearing, Inc., agent, for a Transfer of Development Rights to allow the Transfer of Development Rights 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 January 29, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

Commissioner John F. Koons, Chairman	- Aye
Commissioner Burt Aaronson, Vice Chairman	- Aye
Commissioner Karen T. Marcus	- Aye
Commissioner Shelley Vana	- Aye
District 4	-
Commissioner Jess R. Santamaria	- Aye
Commissioner Addie L. Greene	- Aye

The Chairperson hereupon declared that the resolution was duly passed and adopted on January 29, 2009.

Filed with the Clerk of the Board of County Commissioners on February 17, 2009

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

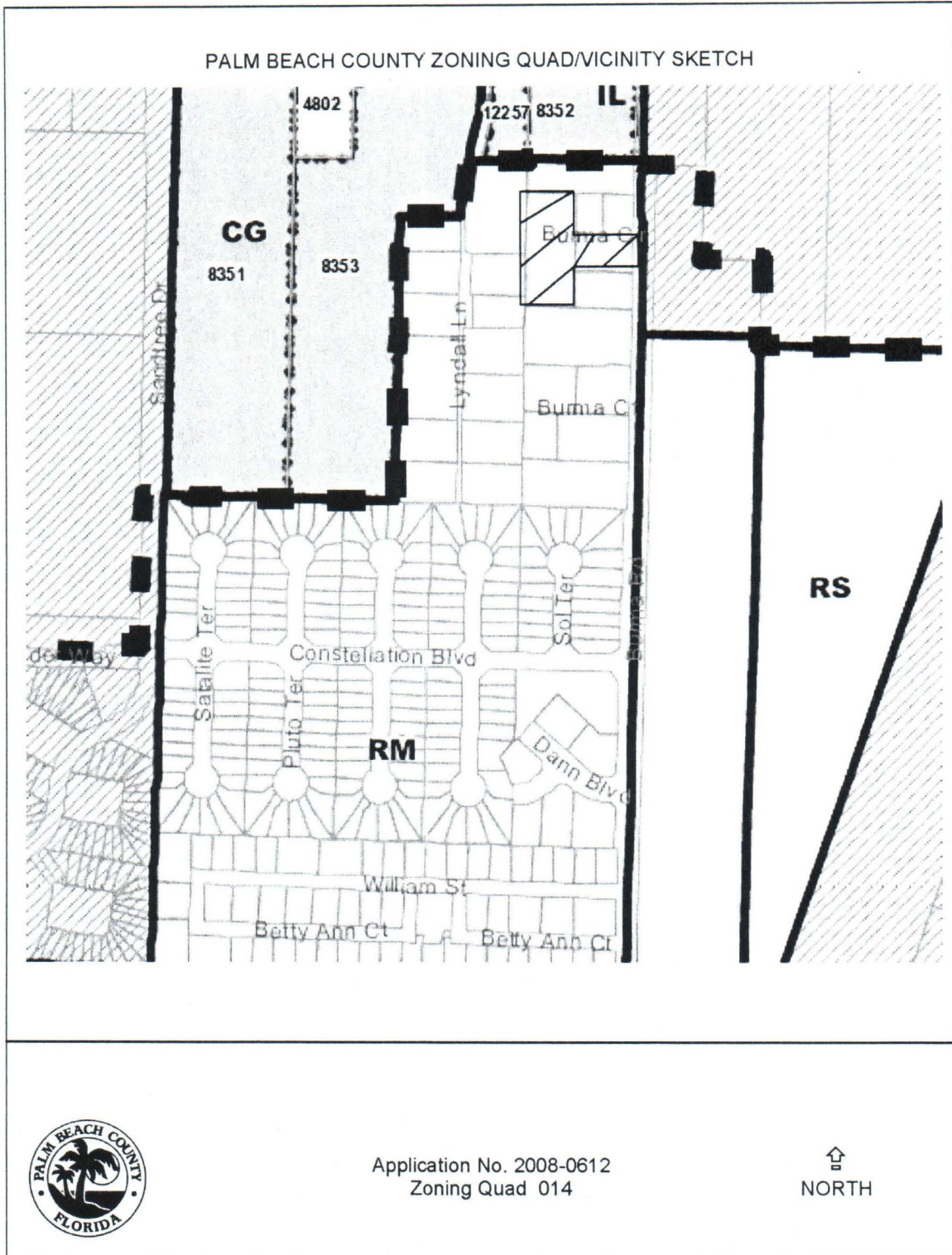
Commencing at the Northeast corner of the East Quarter of the Northeast Quarter of the Northwest Quarter in Section 19, Township 42 South, Range 43 East, thence run South a distance of 462 feet to the Point of Beginning; Thence run West a distance of 330 feet; Thence run South a distance of 320 feet; Thence run East a distance of 138 feet; Thence run North a distance of 100 feet; Thence run East a distance of 192 feet; Thence run North a distance of 220 feet to the Point of Beginning.

Less the East Thirty feet as conveyed to Palm Beach County, Florida by O.R.B. 2351, Page 1907.

And less Lots 1 & 2 more particularly described as follows:

Commencing at the Northeast corner of the East Quarter of the Northeast Quarter of the Northwest Quarter in Section 19, Township 42 South, Range 43 East; Thence run South a distance of 462 feet, Thence run West a distance of 30 feet to the Point of Beginning; thence East 162 feet, Thence South 110 feet, thence East 162 feet, thence North 110 feet to the Point of Beginning.

EXHIBIT B  
VICINITY SKETCH



## 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 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. (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)

#### 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 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)