

RESOLUTION NO. R-2001- 0968

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 96-86
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-97-534
WHICH APPROVED THE VOLUNTARY DENSITY BONUS
MICHAEL & SARI WINSTON
PETITION NO. 96-86

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 96-86 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 25, 2001; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 96-86 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The property owner has recorded a declaration of restrictive covenants to ensure compliance with Voluntary Density Bonus (VDB) requirements.
2. Existing conditions of approval contained in Resolution No. R-97-534 do not provide for the submission and monitoring of annual reports as currently required of VDB development orders.
3. Since the recordation of the declaration of restrictive covenants, Palm Beach County has amended its Voluntary Density Bonus monitoring policy to include in development orders conditions of approval requiring the submission of annual reports.
4. A time certain condition of approval requiring the submission of an annual report is required to ensure that the development order is subject to the enforcement provisions of Section 5.8 of the Unified Land Development Code.
5. The amendment of conditions of approval will cause the development order to be consistent with Voluntary Density Bonus monitoring requirements, and with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
6. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. SR 96-86, to amend Conditions of Approval of Resolution No. R-97-534, the petition of Michael & Sari Winston, Petition No. 96-86, which approved a Voluntary Density Bonus for 11 units. on property legally described in Exhibit A, being located on the SW corner of Sims Rd. and Aspen Ridge Cir., approximately 0.25 mile north of Atlantic Avenue. in the Multiple Family Residential (Medium Density) Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of the first building permit, the property owner shall record an amendment to the declaration of restrictive covenants to meet annual reporting requirements in effect at the time the amendment is recorded. (BLDG PERMIT: MONITORING - Planning)
3. On an annual basis, beginning July 1, 2002, the property owner shall submit an annual report to the Planning Division documenting compliance with the Voluntary Density Bonus declaration of restrictive covenants. (DATE: MONITORING - Planning)

Commissioner Roberts moved for approval of the Resolution.


The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

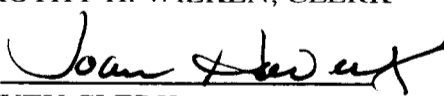
WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 25 day of June, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

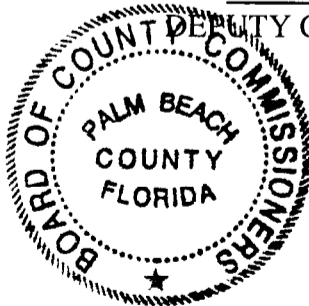


EXHIBIT A

LEGAL DESCRIPTION

BOUNDARY SURVEY OF: That portion of the East one-half (1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 1b, Township 46 South, Range 42 East, Palm Beach County, Florida, lying West of the West maintenance line of Sims Road, according to the Plat thereof, recorded in road Plat Book 6, Pages 67, 68 and 63 of the Public Records of Palm Beach County, Florida; and the East 24.48 feet of the West one-half (W 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 1L, less the North 60.00 feet thereof; less that portion of the North 60.00 feet of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, lying West of the West maintenance line of Sims Road, according to the Plat thereof recorded in road Plat Book 6, Pages 67, 68 and 69, of the Public Records of Palm Beach County, Florida, together with the following described lands, to-wit: Begin at the Southeast corner of above described land; thence run S. 00°05'46" W. (based on an assumed Meridian) 25.00 feet, along said West Maintenance line, to a point; thence run N 45°37'05" W 36.91 feet to a point on a line that is 60.00 feet South of and parallel to the North line of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 14; thence run N 88°40'04" E 25.00 feet along a line that is 60.00 feet South of and parallel to the North line of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 1b to the Point of Beginning.

LESS the East 40.00 of the above described parcel and less the following:

COMMENCING at the center of said Section 14, thence S 88°05'36" W along the South line of the Northwest Quarter of said Section, a distance of 80.03 feet to the West Right-of-Way line of Sims Road Maintenance Map, recorded in road Plat Book 6, Page 68 of the Public Records of Palm Beach County, Florida, thence S 88°05'36" W along the South line of said Northwest Quarter a distance of 40.02 feet, thence N 00°17'25" W along the West Right-of-Way line of Sims Road, a distance of 619.12 feet to the Point of Beginning.

From the Point of Beginning thence N 46°01'19" W a distance of 35.00 feet, thence N 88°14'39" E to the West Right-of-Way line of said Sims Road, a distance of 25.65 feet, thence S 00°17'28" E along the West Right-of-Way line, a distance of 25.65 feet to the Point of Beginning.