

RESOLUTION NO. R-94- 781

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 85-86
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-91-249
WHICH APPROVED THE SPECIAL EXCEPTION OF
QUAIL WOODS ASSOCIATION
PETITION NO. 85-86

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 85-86 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 23, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 85-86 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. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

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 85-86, to amend Conditions of Approval of Resolution No. R-91-249, the Special Exception of Quail Woods Association, Petition No. 85-86(A), confirmed by the adoption of Resolution R-91-249, which amended the master plan for Quail Woods Planned Unit Development to increase the density, on the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of section 25, Township 43 South, Range 42 East, **Less** and excepting the Westerly 20.00 feet thereof: Together with, the East $\frac{1}{2}$ of the South-west $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (Less the East 15.00 feet of the North 355.00 feet) of Section 25, Township 43 South, Range 42 East: Together with, the South 2.00 acres of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Less the right-of-way of Quail Drive, Section 25, Township 43 South, Range 42 East, being located

on the west side of Quail Drive, approximately 0.1 of a mile south of **Westgate** Avenue in the RH-Multiple Family Residential (High Density) Zoning District, is approved, subject to the following conditions:

1. All previous conditions of approval continue to apply unless expressly modified herein.
2. Condition number 7 of Resolution R-91-249 which currently states:

The property owner shall construct:

- a. at the project's entrance road and Quail Road, a right turn lane, north approach, and
- b. at Quail Road and **Westgate** Avenue, a left turn lane, south approach and a right turn lane, west approach.

All concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

Is hereby amended to state:

The property owner shall construct:

- a. at the project's entrance road and Quail Road, a right turn lane, north approach, and
- b. at Quail Road and **Westgate** Avenue, a left turn lane, south approach and a right turn lane, west approach.

All concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy, except that in lieu of constructing the right turn lane, north approach and right turn lane, west approach described above, the property owner may pay **\$36,838.65** to Palm Beach County for **Westgate** Avenue improvements.

3. Prior to the recording of the first plat, the property owner shall amend the existing covenant to comply with the following requirements:
 - a. All residential units beyond eight dwelling units per acre shall be occupied by households qualifying as low income pursuant to the definition provided in the 1989 Palm Beach County Comprehensive Plan Land Use and Housing Elements.
 - b. The low income units shall be dispersed throughout the entire proposed development.
 - c. The mix of housing types for the low income units shall be comparable to the housing type mix of the balance of the proposed project.
 - d. An annual report documenting compliance with this covenant shall be submitted to the Commission on Affordable Housing beginning on June 1, 1995.
 - e. The low income units shall be covenanted for a period of

fifteen (15) years, commencing with the issuance of the certificate of occupancy for the last low income unit.

Commissioner Newell moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	Absent
MAUDE FORD LEE	--	Absent
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Aye
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of June, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Bruce Alter*

DOROTHY H. WILKEN, CLERK

BY: *Jina M Blair*
DEPUTY CLERK

