

RESOLUTION NO. R-95-1481

RESOLUTION APPROVING ZONING PETITION VDB95-64  
VOLUNTARY DENSITY BONUS (VDB)  
PETITION OF CORNERSTONE GROUP  
BY ANNA S. COTTRELL, AGENT

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 petitions relating to the Unified Land Development Code; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-10, as amended), have been satisfied; and

WHEREAS, Zoning Petition PDD95-64 was presented as a development order to the Board of County Commissioners at a public hearing conducted on October 26, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, the recommendation of the Land Use Advisory Board, and the recommendation of the Zoning Commission; and

WHEREAS, the Voluntary Density Bonus Program (VDB), pursuant to Section 6.9.K. of the ULDC, requires that a VDB be granted in conjunction with a development order; and

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

1. The request for a density bonus, subject to conditions of approval as adopted, is compatible with surrounding land uses and consistent with the Comprehensive Plan;
2. The proposed density bonus is within a 3/4 mile [fifteen (15) minute] walk of a mass transit stop, or a commercial/employment center which offers various opportunities and positions for full-time employment, or retail grocery shopping and pharmaceutical service for the residents of the proposed development;
3. The location of the proposed density bonus meets the locational criteria established in Section 6.9.C. (Applicability) of the ULDC;
4. The density of the development with the density bonus will not exceed a one hundred (100) percent increase above the existing permitted density up to a maximum of eighteen (18) dwelling units per acre; and
5. The proposed density bonus complies with the requirement to promote the Housing Element policy (2-g) in the Comprehensive Plan which encourages the equitable geographic distribution of affordable housing to disperse lower income households.

WHEREAS, Section 5 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 the petition of PDD95-64 by Anna S. Cottrell, agent, for a Voluntary Density Bonus (VDB) 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 October 26, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof and as part of the approval of the Rezoning to a PDD for petition # PDD 95-64.

Commissioner Foster moved for the approval of the Resolution.

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

Ken Foster, Chair	<u>Aye</u>
Burt Aaronson	<u>Absent</u>
Maude Ford Lee	<i>Nay</i>
Karen T. Marcus	<u>Absent</u>
Mary McCarty	<u>Aye</u>
Warren Newell	<i>Nay</i>
Carol A. Roberts	<u>Aye</u>

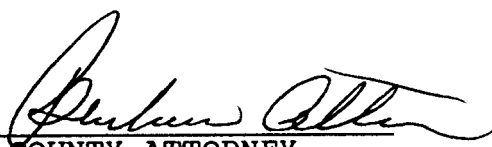
The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of October, 1995.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

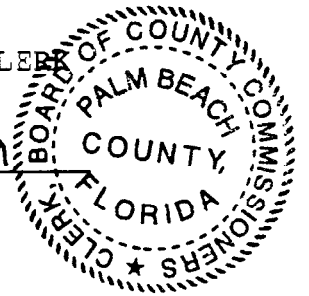
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

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Parcel A: All of Lot C and the North 19 feet of Lot D, Tract 64, Palm Beach Farms Company Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Parcel B: Lot E, Block 33, Lot E, Block 34, Lots A, B, and C, Block 63, Lots A & B, Block 64, Lots A, B, C, D and E, Block 61, Lots A, B, C, D and E, Block 62. Palm Beach Farms Company Plat No. 7, Section 30, Township 44 South, Range 33 East, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Less the following:

A certain parcel of land in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

The East 10.00 feet of Lot E, Block 33, the East 10.00 feet of Lots A, B, C and the East 10.00 feet of the North 19 feet of Lot D, Block 64, of the Palm Beach Farms Company Plat No. 7, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH

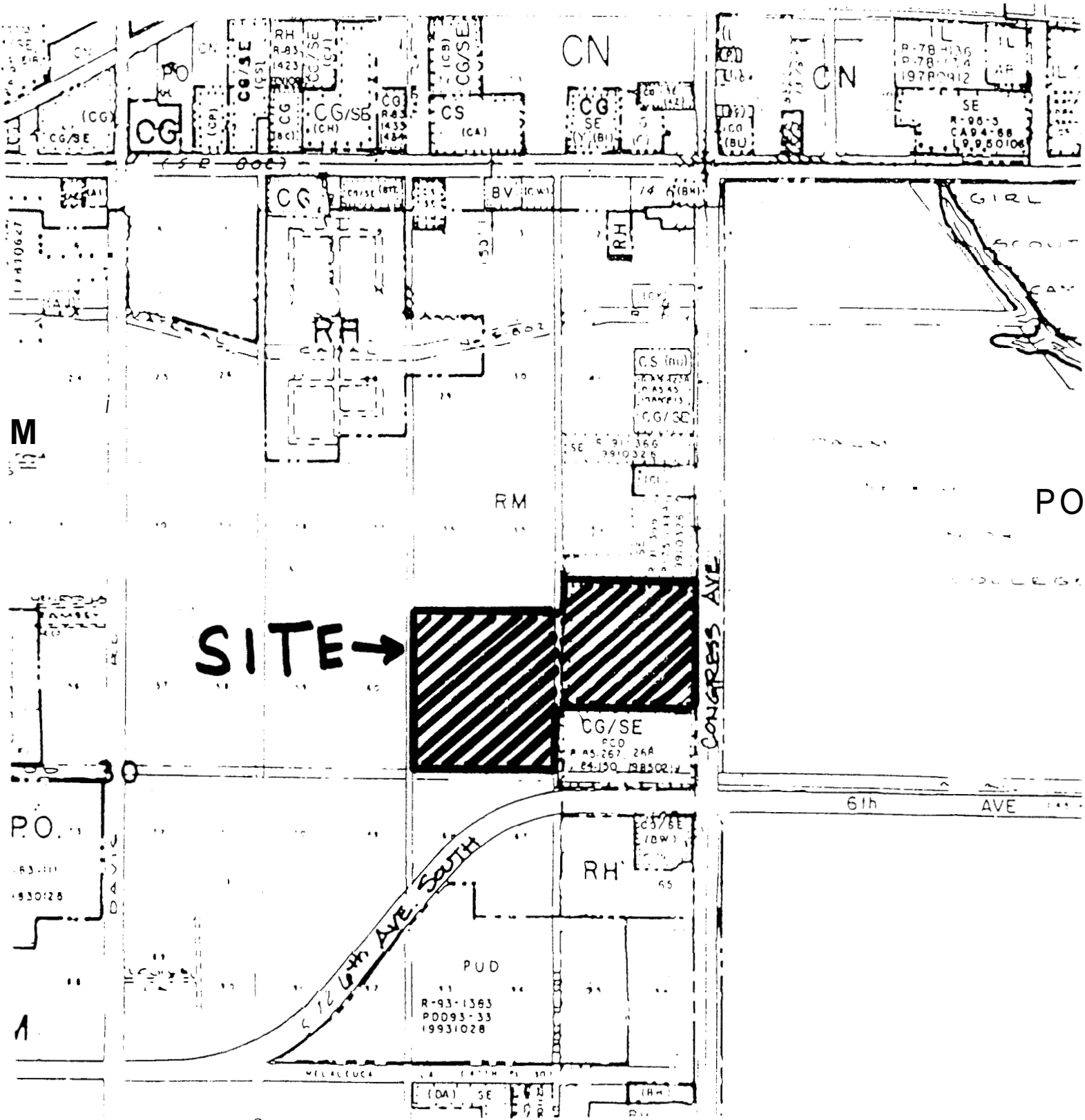


EXHIBIT C

CONDITIONS OF APPROVAL

A. SECURITY

1. Twenty-four (24) hour manned security and property management shall be provided on site at all times. (CODE ENFORCEMENT)
2. Prior to issuance of the first Certificate of Occupancy (CO), the petitioner shall hire a certified deputy sheriff to provide security on site from 6 p.m. to 6 a.m. daily. (BUILDING/CODE ENFORCEMENT)
3. The petitioner shall provide a sheriff substation on site with bathroom facilities. The location, size and facilities shall be subject to approval by the Palm Beach County Sheriff's Department. (BUILDING-Sheriff)

B. DAYCARE

1. The petitioner shall provide a day care facility for a minimum of 30 children within the clubhouse complex. The day care facility and required improvements shall be constructed and completed prior to the issuance of the Certificate of Occupancy (CO) for the clubhouse. The petitioner shall operate or lease the day care facility to an independent provider within one year of issuance of the CO for the clubhouse. The day care facility shall receive site plan certification by the Development Review Committee. (BUILDING/MONITORING-Zoning/Health)

C. OWNERSHIP

1. Prior to November 1, 1996, the petitioner shall initiate a home ownership fund program for tenants. The program shall credit a portion of rents paid by tenants toward purchase of an individually owned dwelling unit. The program shall be in a form acceptable to the Commission on Affordable Housing and the County Attorney. (MONITORING/HCD)

D. PLANNING

1. Twenty (20) percent of the units shall be designated very low income (29 units) and eighty (80) percent designated as low income (256) units. (HOUSING AND COMMUNITY DEVELOPMENT/PLANNING)
2. At least fifteen (15) of the three bedroom units shall accommodate very-low income households. (HCD/PLANNING)
3. No more than six (6) very-low income households shall be located in any one building. (HCD/PLANNING)
4. Prior to site plan certification, the petitioner shall record in the public records a covenant, in a manner and form acceptable to the County Attorney, which guarantees the affordability of 20% of the units as very low and 80% as low income units for a minimum of fifteen (15) years. (COUNTY ATTORNEY-Planning)

E. COMPLIANCE

1. 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; 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.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested **Use**, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)