

RESOLUTION NO. R-99-109

RESOLUTION APPROVING ZONING PETITION VDB98-53
VOLUNTARY DENSITY BONUS (VDB)
PETITION OF BRIGHTON HOMES DEVELOPMENT, INC.
BY JULIAN BRYAN OR MARILOU GONZOLEZ, AGENT
(BRIGHTON SUMMIT)

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 VDB98-53 was presented as a development order to the Board of County Commissioners at a public hearing conducted on January 28, 1999; 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 VDB98-53 by Julian Bryan or Marilou Gonzolez, agent, to allow a Voluntary Density Bonus (VDB) for 30 additional 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 28, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

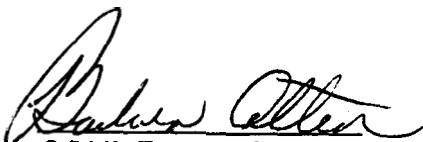
Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Absent
Carol A. Roberts	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

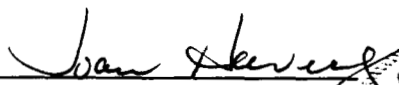
The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

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

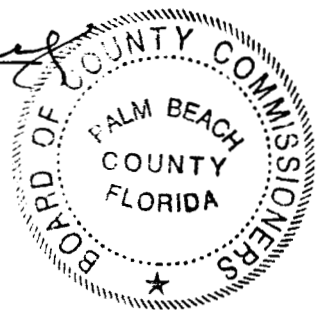


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 88 DEGREES, 57 MINUTES, 53 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 1395.25 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 1; THENCE NORTH 01 DEGREE, 27 MINUTES, 19 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), A DISTANCE OF 80.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01 DEGREE, 27 MINUTES, 19 SECONDS EAST, ALONG SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), A DISTANCE OF 1283.18 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4); THENCE NORTH 88 DEGREES, 54 MINUTES, 38 SECONDS WEST, ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), A DISTANCE OF 432.41 FEET TO A POINT 803.39 FEET EAST OF THE NORTH-SOUTH ONE-QUARTER SECTION LINE OF SAID SECTION 1, AS MEASURED ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4); THENCE SOUTH 01 DEGREE, 02 MINUTES, 07 SECONDS WEST, ALONG A LINE PERPENDICULAR TO SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 1288.58 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD; THENCE SOUTH 88 DEGREES, 57 MINUTES, 53 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE AND 80.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 423.23 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

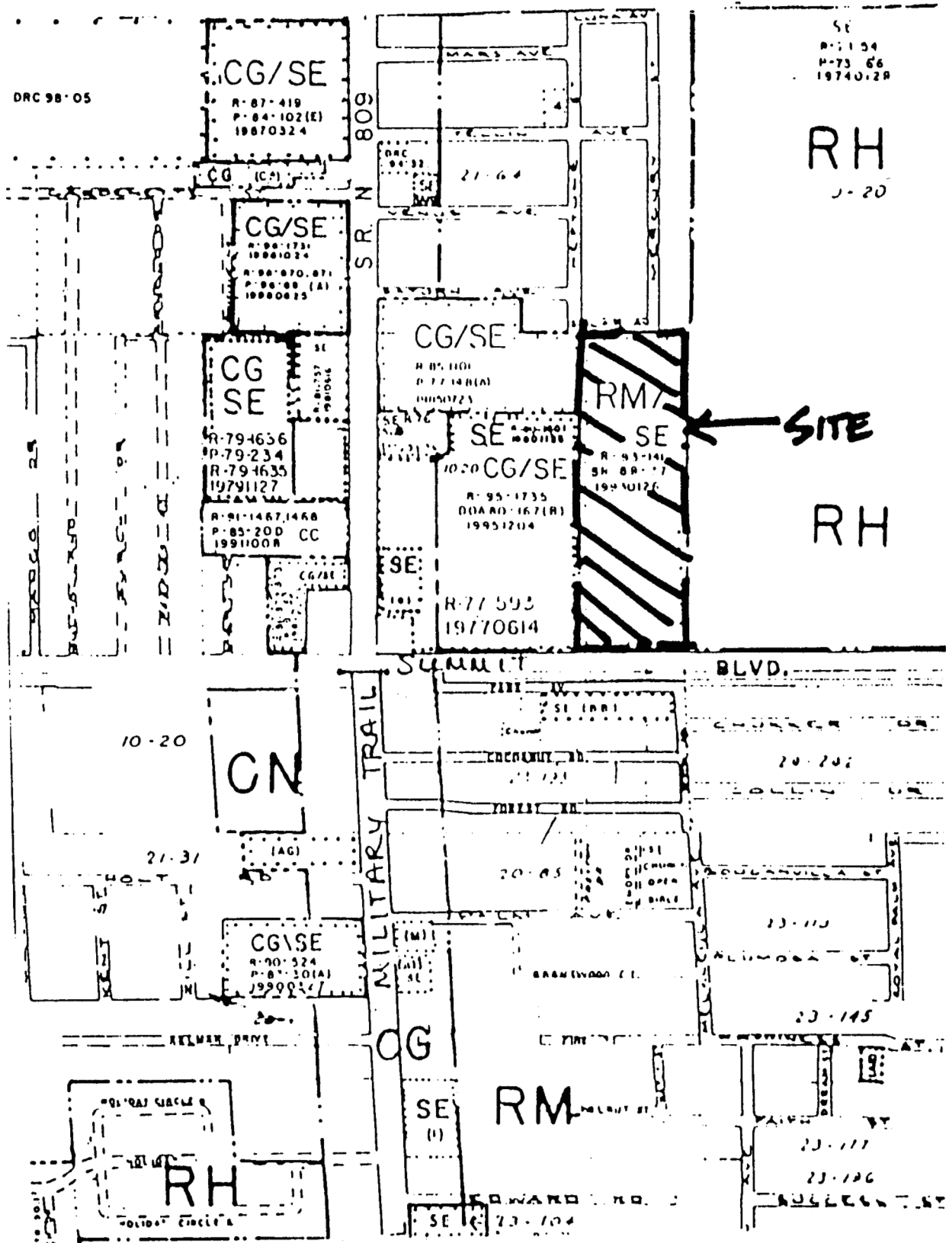


Exhibit C.1

Voluntary Density Bonus Conditions

A. ALL PETITIONS

1. Prior to final site plan certification by the Development Review Committee (DRC), the developer shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:
 - a) Guarantees the affordability of the designated Group B (low income) units for a period of ten years.
 - b) Guarantees that the VDB units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRC: PLANNING)
2. Prior to final site plan certification by the Development Review Committee (DRC), the developer shall show the following on the site plan:
 - a) the dispersal of the minimum required (12) Group B (low income) units within the proposed buildings such that no more than one (1) of the affordable units shall be located within each of the thirty three buildings. (DRC: PLANNING/ZONING)
 - b) the minimum required twelve (12) Group B (low income) units shall consist of six (6) two bedroom units, and six (6) three bedroom units.

B. 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 a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)