

RESOLUTION NO. R-2001- 0429

RESOLUTION APPROVING ZONING PETITION DOA/EAC1998-053(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF BRIGHTON AT SUMMIT LLC  
BY CHIP BRYAN, 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA/EAC1998-053(A) was presented to the Board of County Commissioners at a public hearing conducted on March 22 , 2001; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 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 Zoning Petition DOA/EAC1998-053(A), the petition of Brighton at Summit LLC, by Chip Bryan, agent, for a Development Order Amendment/Expedited Application Consideration (DOA/EAC) to modify voluntary density bonus conditions on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 22, 2001, subject to the Voluntary Density Bonus Conditions described in EXHIBIT C.1, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

|                              |   |               |
|------------------------------|---|---------------|
| Warren H. Newell, Chair      | - | <b>Absent</b> |
| Carol A. Roberts, Vice Chair | - | Aye           |
| Karen T. Marcus              |   | Aye           |
| Mary McCarty                 |   | Aye           |
| Burt Aaronson                |   | Aye           |
| Tony Masilotti               |   | Aye           |
| Addie L. Greene              |   | Aye           |

The Chair thereupon declared that the resolution was duly passed and adopted on March 22, 2001.

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

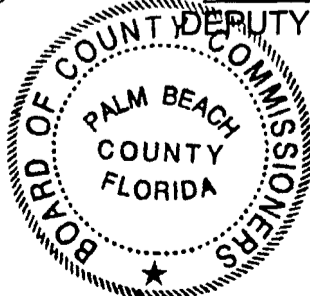


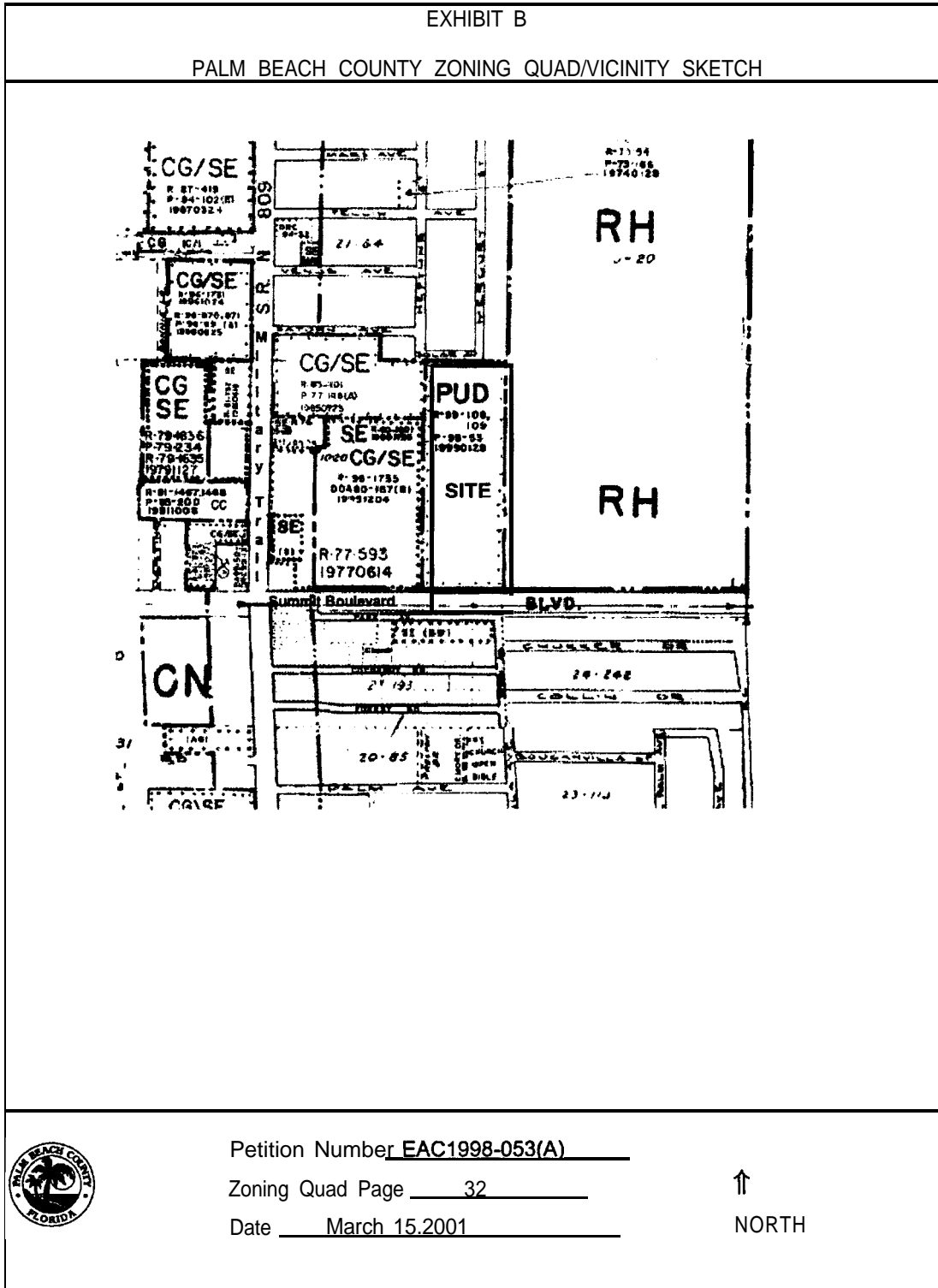
EXHIBIT A

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 1335.25 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 DEGREES, 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 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01 DEGREES, 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 1203.18 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4); THENCE NORTH 55 DEGREES, 54 MINUTES, 38 SECONDS WEST, LONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), A DISTANCE OF 422.31 FEET TO A POINT 303.39 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 DEGREES, 02 MINUTES, 07 SECONDS WEST, ALONG A LINE PERPENDICULAR TO SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 1252.56 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD; THENCE SOUTH 55 DEGREES, 57 MINUTES, 52 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE AND 50.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 423.22 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



Petition Number EAC1998-053(A)

Zoning Quad Page 32

Date March 15, 2001

↑  
NORTH

EXHIBIT C.1

VOLUNTARY DENSITY BONUS CONDITIONS

A. ALL PETITIONS

1. Condition A. 1 of Resolution R-99-1 09, Petition VDB98-053 which currently states:

**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)**

Is hereby amended to read:

Prior to May 31, 2001, the developer shall revise in the public records of Palm Beach County the recorded restrictive covenant, in a form acceptable to the Palm Beach County Attorney, to include 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.
- c) Guarantees that the affordable units shall be dispersed within the PUD such that no more than one (1) of the Affordable Units shall be located within any one of the thirty buildings.
- d) Guarantees that the affordable units shall consist of three (3) two-bedroom units, and seven (7) three-bedroom units. (DATE:Monitoring-Planning)

2. Condition A.2 of Resolution R-99-1 09, Petition VDB98-053) which currently states:

**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.**
- 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. (DRC: PLANNING/ZONING)**

Is hereby amended to read:

Prior to May 31, 2001, the developer shall do an administrative amendment to the site plan to show the following on the site plan:

- a) the dispersal of the minimum required ten (10) Group B (low income) units within the proposed buildings such that no more than one (1) of the affordable units shall be located within any one of the thirty buildings.
- b) the minimum required ten (10) Group B (low income) units shall consist of three (3) two bedroom units, and seven (7) three bedroom units.  
(DATE: Monitoring-Planning)

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) (Previously Condition B.I of Resolution R-99-I 09, Petition VDB98-053)**
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) (Previously Condition B.2 of Resolution R-99-109, Petition VDB98-053)**