

RESOLUTION NO. R-94- 211

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 89-47.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89-1642
WHICH APPROVED THE SPECIAL EXCEPTION OF
BILL R. WINCHESTER AND ERNEST KLATT
PETITION NO. 89-47

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 89-47.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 24, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 89-47.2 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 local land development regulations;
2. The current approval is not consistent with the Comprehensive Plan; and
3. The amendment to conditions of approval will result in the furthering of the goals of the Comprehensive Plan to provide for affordable housing.

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 89-47.2, to amend Conditions of Approval of Resolution No. R-89-1642, the Special Exception of Bill R. Winchester and Ernest Klatt, Petition No. 89-47, confirmed by the adoption of Resolution R-89-1642, which granted a Special Exception to allow a Planned Residential Development (PRD) on a parcel of land lying in Section 1, Township 45 South, Range 42 East, being that part of the following described tracts lying North of the North right-of-way line of Lake Worth Drainage District Lateral Canal No. 17; Parcel A: The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ less 50.00 feet county road right-of-way; South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, less county road right-of-way; all in Section 1, Township 45 South, Range 42 East: Parcel B: The Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Township 45 South,

Range 42 East; less however, the North 132.00 feet thereof, the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 1, and the right-of-way for Military Trail (SR 809), subject to easement in favor of Florida Power and Light Company, Official Record Book 1765, Page 782., being located on the east side of Military Trail, approximately 0.2 of a mile north of 67th Place South and is bounded on the east by South Guava Lane and the south by Lake Worth Drainage District Lateral Canal No. 17 in the RM-Multiple Family Residential (Medium Density) Zoning District, is approved, subject to the following conditions:

1. All previous conditions of approval continue to apply unless expressly modified herein.
2. Prior to the issuance of a building permit, the property owner shall execute and record a restrictive covenant acceptable to the County that guarantees that a minimum of the (10) percent of the total proposed units in the development be reserved for tenants who qualify for very low income housing and ten (10) percent of the total proposed units in the development be reserved for tenants who qualify for low income housing as provided for in the Palm Beach County Comprehensive Plan and Section 6.9 of the Unified Land Development Code. The very low income housing component shall be defined as fifty percent of the County's median income for a family of four (4) at the time of recordation of the restrictive covenant. The low income housing component shall be defined as eighty percent of the County's median income for a family of four (4) at the time of recordation of the restrictive covenant. The restrictive covenant shall identify all enforcement procedures. Monitoring of the established enforcement procedures shall be conducted by the Division of Housing and Community Development. Should the approved site plan be amended to reduce the number of units to a density equal to or below the standard density permitted by the adopted land use plan designation, the restrictive covenant for the provision of affordable housing shall not be required.

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	--	Aye
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 24th day of February, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Burt Aaronson*

DOROTHY H. WILKEN., CLERK
BY: *Jim M. Blair*
DEPUTY CLERK

