

RESOLUTION NO. R-98-2041

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 95-46
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-95-1321.4
WHICH APPROVED THE SPECIAL EXCEPTION OF
GARY ROSEKOWSKI
PETITION NO. 95-46

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 95-46 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on December 3, 1998; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 95-46 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. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
2. The amendment will cause the conditions of approval to be consistent with conditions currently imposed on Voluntary Density Bonuses.

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 95-46, to amend Conditions of Approval of Resolution No. R-95-1321.4, the Voluntary Density Bonus of petitioner Gary Rosekowski, Petition No. 95-46, on property legally described in Exhibit A, being located on the north side of 6th Avenue South at the intersection with Melaleuca Lane in the RM-Multiple Family Residential (Medium Density) Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval contained in Resolution R-95-1321.4 continue to apply.
2. 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 low income (Group B) units for a period of ten years.
- b. Guarantees that the designated low income (Group B) units shall not be further restricted beyond the requirement that the occupants qualify for the income limits.
- c. Guarantees that developments that offer varied bedroom and floor area options shall include similar variation in the required affordable VDB units. (DRC: PLANNING)

Commissioner **McCarty** 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:

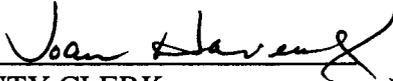
MAUDE FORD LEE, CHAIR	—	Aye
WARREN H. NEWELL, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 3 day of December, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

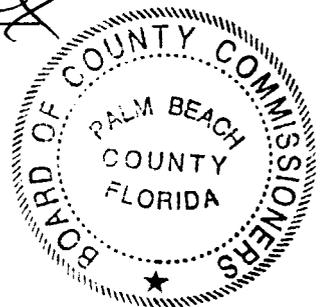


EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION

LOTS A, B, C, D AND E, BLOCK 90, PLAT OF PALM BEACH FARMS COMPANY, PLAT NO. 7, AS RECORDED IN PLAT BOOK 5, PAGE 72, PALM BEACH COUNTY, FLORIDA. LESS THE FOLLOWING DESCRIBED PARCEL:

A STRIP OF LAND 106 FEET IN WIDTH FOR ROAD RIGHT OF WAY PURPOSES LYING .53 FEET EACH SIDE OF, MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE RUNNING THROUGH LOTS D AND E, LESS THE SOUTH 40 FEET THEREOF, BLOCK 90, ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY, PLAT NO. 7, AS RECORDED IN PLAT BOOK 5 AT PAGE 72, PALM BEACH COUNTY PUBLIC RECORDS, SAID CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MELALEUCA LANE AND THE CENTERLINE OF DAVIS ROAD AS LAID OUT AND IN USE IN PALM BEACH FARMS COMPANY, PLAT NO. 7, OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE RUN SOUTH 86 DEGREES, 57 MINUTES 10 SECONDS EAST ALONG SAID CENTERLINE OF MELALEUCA LANE A DISTANCE OF 288.72 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE. CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 47 DEGREES 09 MINUTES 38 SECONDS LEFT, AND A RADIUS OF 818.51 FEET, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 678.72 FEET TO THE END OF SAID CURVE; THENCE RUN NORTH 45 DEGREES. 53 MINUTES 12 SECONDS EAST, A DISTANCE OF 962.72 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 47 DEGREES 00 MINUTES 00 SECONDS RIGHT AND A RADIUS OF 818.51 FEET, RUN ALONG THE ARC OF SAID CURVE 671.43 FEET TO THE END OF SAID CURVE; THENCE, RUN SOUTH 87 DEGREES 06 MINUTES, 48 SECONDS EAST, A DISTANCE OF 500.00 FEET TO A POINT IS THE EAST LINE OF SAID SECTION 30, AND THE END OF THE HEREIN DESCRIBED CENTERLINE.

CONTAINING: 4.2970 ACRES, MORE OR LESS