

RESOLUTION NO. R-2009-0509

RESOLUTION APPROVING ZONING APPLICATION W/PDD/R-2008-01902
(Control No. 2005-00454)
REQUESTED USE
APPLICATION OF SRR Holdings LLC
BY Miller Land Planning, AGENT
(Carlyle Senior Housing)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application W/PDD/R-2008-01902 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Requested Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Requested Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Requested Use also meets applicable local land development regulations.
3. This Requested Use, 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Requested Use has a concurrency determination and complies with Article 2.F (Concurrency) of the ULDC.
5. This Requested Use, 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.
7. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Requested Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development

characteristics.

9. This Requested Use, with conditions as adopted, is consistent with the applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Requested Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application R-W/PDD/R-2008-01902, the application of SRR Holdings LLC, by Miller Land Planning, agent, for a Requested Use to allow a Requested Use to allow a Type III Congregate Living Facility in the PUD Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 30, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burt Aaronson moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on June 9th, 2009.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

Tracts 17 and 18, Block 35, The Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54 inclusive, excepting therefrom the right of way for State Road No. 7 through Tract 17 and lying within 75.00 feet of Survey Baseline as shown in Road Plat Book 1, Page 40, Public Records of Palm Beach County, Florida;

LESS that part of said Tract 17 being more particularly described as follows:

BEGINNING at a point in the Westerly right of way line of State Road No. 7, said right of way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, said point being the intersection of said right of way line and the South line of said Tract 17; thence South 87°31'38"West, along said South line of Tract 17, a distance of 423.11 feet to a point in the West line of said Tract 17; thence North, parallel with the Westerly right of way line of said State Road No. 7, a distance of 563.25 feet to an intersection with a line 97.00 feet Southerly of and parallel with the North line of said Tract 17; thence North 87°31'38"East, along said parallel line, a distance of 423.11 feet to a point in said Westerly right of way line; thence South along said Westerly right of way line, a distance of 563.25 feet to the **POINT OF BEGINNING**.

TOGETHER WITH:

PARCEL C:

A portion of Tract 17, Block 35, The Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCING at the intersection of the Westerly right of way line of State Road No. 7, said right of way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, with the South line of said Tract 17, bear North, along said Westerly right of way line, a distance of 310.29 feet to the **POINT OF BEGINNING**; thence South 87°31'38"West along a line 310.00 feet North of and parallel with the South line of said Tract 17, a distance of 423.11 feet; thence North, parallel with the Westerly right of way line of said State Road No. 7, a distance of 56.71 feet; thence South 86°01'00"East, a distance of 122.17 feet; thence North 87°31'38"East along a line 306.80 feet South of and parallel with the North line of said Tract 17, a distance of 301.11 feet to a point on said Westerly right of way line; thence South along said Westerly right of way line, a distance of 42.96 feet to the **POINT OF BEGINNING**; **LESS and EXCEPT** the East 158.54 feet thereof.

TOGETHER WITH:

(P/O PARCEL "B")

A portion of Tract 17, Block 35, Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCING at the intersection of the Westerly right-of-way line of State Road No. 7, said right-of-way line shown in Road Plat Book 1, Pages 35 to 41, of the Public Records of Palm Beach County, Florida, with the South line of said Tract 17; bear North, along said Westerly right-of-way line, a distance of 353.25 feet to the **POINT OF BEGINNING**; thence South 87° 31' 38" West, along a line 306.80 feet South of and parallel with the North line of said Tract 17, a distance of 301.11 feet; thence North 86° 01' 00" West, a distance of 122.17 feet; thence North, parallel with the Westerly right-of-way line of said State Road No. 7, a distance of 22.49 feet to a point on a line 390 feet North of and parallel with said South line of Tract 17; thence North 89°03'00" East, along said parallel line, 421.64 feet to a point on aforesaid Westerly right-of-way line; thence South 01°28'20" West, along said westerly right-of-way line, 35.97 feet to the **POINT OF BEGINNING**; **LESS and EXCEPT** the East 158 feet thereof.

ALSO LESS that parcel of land described in special warranty deed as recorded in Official Records Book 22570, Page 1530, more particularly described as follows:

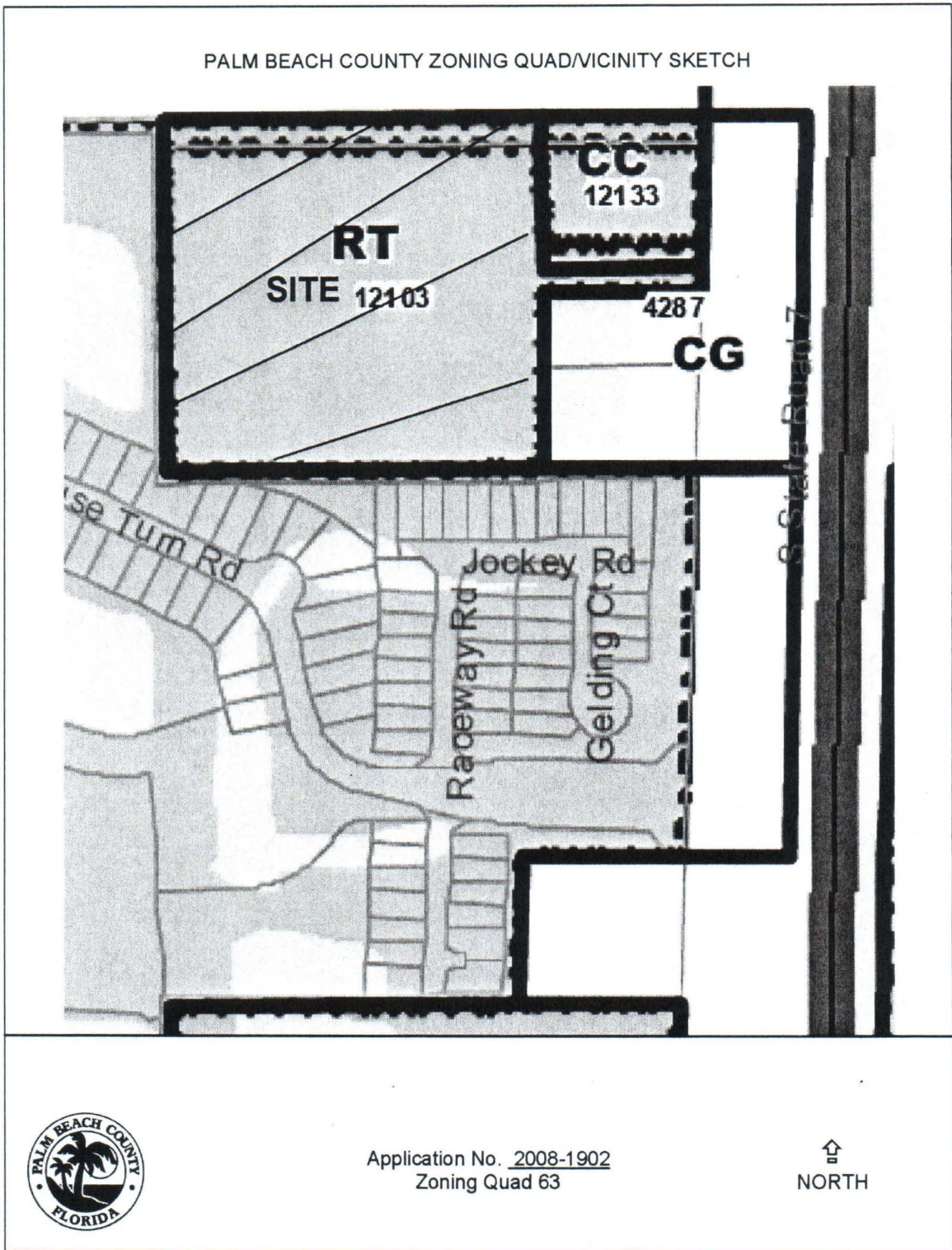
A portion of Tract 17, Block 35, **PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCE at the intersection of the Westerly right-of-way line of State Road No. 7, said right-of-way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, with the South line of said Tract 17; thence Northerly, along said Westerly right-of-way line, a distance of 564.39 feet, more or less, to a point of intersection with a line 97.00 feet Southerly of and parallel with, as measured at right angles of, the North line of said Tract 17; thence South 87°31'37" West, along said parallel line, said parallel line also being the Easterly prolongation of the Southerly line of Tract B1, **THOROUGHbred LAKE ESTATES PLAT 1**, according to the plat thereof, recorded in Plat Book 91, Page 75, said Public Records, a distance of 158.37 feet, more or less, to the West right-of-way line of State Road No. 7, Parcel

No. 130, as recorded in Official Records Book 10616, Page 482, said Public Records, and the **POINT OF BEGINNING** of the following described parcel of land; thence South 00°00'52" East, along said West right-of-way line (said West right-of-way line is assumed to bear South 00°00'52" East and all other bearings are relative thereto), a distance of 173.92 feet; thence departing said right-of-way line, South 87°33'51" West a distance of 263.48 feet; thence North 00°00'52" West, parallel with said West right-of-way line of State Road No. 7, Parcel No. 130, a distance of 173.75 feet to a point on a line, 97 feet Southerly of and parallel with, as measured at right angles to, the North line of said Tract 17, (said parallel line being common with the Southerly line of said Tract B1); thence North 87°31'38" East, along said parallel line, a distance of 263.49 feet to said West right-of-way line of State Road No. 7, Parcel No. 130, and the **POINT OF BEGINNING**.

Containing in all, 9.171 Acres, more or less.

EXHIBIT B
VICINITY SKETCH



Application No. 2008-1902
Zoning Quad 63



EXHIBIT C

CONDITIONS OF APPROVAL

USE LIMITATIONS

1.The CLF shall be limited to a maximum of 170 beds/residents. No further expansion is permitted except subject to BCC approval. (ONGOING: ZONING - Zoning)

2.The Congregate Living Facility (CLF) is prohibited from being a halfway group home for convicted felons or a substance abuse facility. (ONGOING: CODE ENFORCEMENT- Zoning)

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)