

RESOLUTION NO. R- 87-1118-A

RESOLUTION APPROVING ZONING PETITION 87-18: Special Exception

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, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 87-18 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 27, 1987 and

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

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

1. With required site plan modifications, this proposal **will** be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. 87-18, the petition of LINTON BOULEVARD NURSERY IV, LTD. AND LINTON NURSERY LTD., LINTON BOULEVARD III PARTNERSHIP for a SPECIAL EXCEPTION TO ALLOW AN ADULT CONGREGATE LIVING FACILITY on: Parcel One: a parcel of land in the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East, more particularly described as follows: Commence at the Northwest corner of said Section 26; thence run on an assumed bearing of South 00 degrees 17' 33" East, 60.00 feet along the West line of said Section 26 to the point of beginning; thence run due

East 497.57 feet along a line 60.00 feet South of and parallel to the North line of said Northwest 1/4 of Section 26, said line also being the South Right-of-way line of Lake Worth Drainage District Canal No. 36 to a point; thence run South 00 degrees 21' 03" East, 216.13 feet to a point; thence run South 89 degrees 58' 30" West, 497.79 feet to a point; thence run North 00 degrees 17' 31" West, 216.35 feet along said West line of Section 26 to the point of beginning. Together with: Parcel Two: A parcel of land in the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East, more particularly described as follows: Commence at the Northwest corner of said Section 26; thence run on an assumed bearing of South 00 degrees, 17' 31" East, 276.35 feet along the West line of said Section 26 to the point of beginning; thence run North 89 degrees 58' 30" East, 497.79 feet to a point; thence run South 00 degrees 21' 03" East, 216.13 feet to a point; thence run South 89 degrees 57' 01" West, 498.01 feet to a point; thence run North 00 degrees 17' 31" West, 216.35 feet along said West line of Section 26 to the point of beginning. Parcels 1 and 2 subject to reservations contained in Deed Book 713, Page 563 and Deed Book 780, Page 57. Subject to easement recorded in Deed Book 627, Page 415. Together with: Parcel "A": A parcel of land in the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East, more particularly described as follows: Commence at the Northwest corner of said Section 26; thence run on an assumed bearing of South 00 degrees 17' 31" East, 492.70 feet along the West line of said Section 26 to the point of beginning; thence run North 89 degrees 57' 01" East, 498.01 feet to the West line of the East 1/4 of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 26; thence run South 00 degrees 21' 03" East, 216.13 feet to a point; thence run South 89 degrees 55' 33" West, 498.24 feet to a point; thence run North 00 degrees 17' 31" West, 216.35 feet along said West line of Section 26 to the point of beginning. Together with: Parcel "B": A parcel of land in the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East, more particularly described as follows:

Commence at the Northwest corner of said Section 26; thence run on an assumed bearing of South 00 degrees 17' 31" East, 709.05 feet along the West line of said Section 26 to the point of beginning; thence run North 89 degrees 55' 33" East, 498.24 feet to the West line of the East 1/4 of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 26; thence run South 00 degree: 21' 03" East, 216.13 feet to a point; thence run South 89 degrees 54' 04" West, 498.46 feet to a point; thence run North 00 degrees 17' 31" West, 216.35 feet along said West line of Section 26 to the point of beginning. Together with: Parcel 5: A parcel of land in the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East, more particularly described as follows: Commence at the Northwest corner of said Section 26; thence run on an assumed bearing of South 00 degrees 17' 31" East, 925.39 feet along the West line of said Section 26 to the point of beginning; thence run North 89 degrees 54' 04" East, 498.46 feet to a point; thence run South 00 degrees 21' 03" East, 216.13 feet to a point; thence run South 89 degrees 52' 35" West, 498.68 feet to a point; thence run North 00 degrees 17' 31" West, 216.35 feet along said West line of Section 26 to the point of beginning. Together with: Parcel 6: A parcel of land in the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East, more particularly described as follows: Commence at the Northwest corner of said Section 26; thence run on an assumed bearing of South 00 degrees 17' 31" East, 1141.74 feet along the West line of said Section 26 to the point of beginning; thence run North 89 degrees 52' 35" East, 498.68 feet to a point; thence run South 00 degrees 21' 03" East, 216.13 feet to a point; thence run South 89 degrees 51' 05" West, 498.90 feet along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 26; to a point; thence run North 00 degrees 17' 31" West, 216.35 feet along said West line of Section 26 to the point of beginning. Together with: The West 1/2 of Northeast 1/4 of Northwest 1/4 of Northwest 1/4 and East 1/2 of East 1/2 of Northwest 1/4 of Northwest 1/4 of Northwest 1/4; North 220 feet of West 1/2 of Southeast 1/4 of Northwest 1/4 of Northwest

1/4; North 220 feet of East 1/2 of East 1/2 of Southwest 1/4 of Northwest 1/4 of Northwest 1/4 of Section 26, Township 46 South, Range 42 East: And: East 1/4 of Southwest 1/4 of Northwest 1/4 of Northwest 1/4 except North 220 feet thereof and West 1/2 of Southeast 1/4 of Northwest 1/4 of Northwest 1/4 except North 220 feet thereof, and West 1/2 of East 1/2 of Southwest 1/4 of Northwest 1/4, Section 26, Township 46 South, Range 42 East. Also the North 20.00 feet of the East 10.00 feet of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 26, Township 46 South, Range 42 East. The property is located on the south side of Linton Boulevard, approximately .8 miles West of Military Trail (SR 809). It is bounded on the South by Lake Worth Drainage District Lateral Canal No. 37 and was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a) one (1) of three (3) alternative perimeter landscape strips adjacent to existing residential lots.
  - b) typical parking stall width and lengths, and aisle widths.
2. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
3. The property owner shall construct a left turn lane, east approach and a right turn lane, west approach on Linton Boulevard at the project's entrance road concurrent with onsite paving and drainage improvements.
4. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$28,933.00 (1,080 trips X \$26.79 per trip).
5. Prior to Site Plan certification the property owner shall:
  - a) execute a 20 feet ingress/egress easement to the three property owners to the south subject to approval by the County Attorney and County Engineer.
  - b) execute a Unity of Title covering the entire site.

6. The petitioner shall convey to the Lake Worth Drainage District the north seventy five feet of the west 3/4 of the west 1/2 of the northwest 1/4 of the northwest 1/4 of Section 26, Township 46, Range 42 for the right of way for Lateral Canal No. 36, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
7. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
8. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.
9. Structures on this site shall be located a minimum of six hundred and twenty five (625) feet from existing structures across Linton Boulevard within King's Point.
10. Maximum building height shall be limited to thirty three (33) feet.

Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Elmquist, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	-- Absent
Karen T. Marcus	-- Aye
Dorothy Wilken	-- Aye
Kenneth M. Adams	-- Absent
Carol J. Elmquist	-- Aye


The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of March 27, 1987.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Miller  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
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County Attorney