

RESOLUTION NO. R-91- 257

RESOLUTION APPROVING ZONING PETITION NO. **86-87(A)**  
SPECIAL EXCEPTION PETITION OF  
FATHER FLANAGAN'S BOYS HOME  
BY ROBERT BASEHART, AGENT

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 have been satisfied; and

WHEREAS, Petition No. **86-87(A)** was presented to the Board of county Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September **27, 1990**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section **402.9** (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

- 1.** This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **86-87(A)**, the petition of FATHER FLANAGAN'S BOYS HOME, BY ROBERT BASEHART, AGENT, for a SPECIAL EXCEPTION FOR A PUD CONSISTING EXCLUSIVELY OF A CLF, TYPE 3. THIS WILL EXTINGUISH THE PREVIOUS APPROVAL FOR A CLF, on a parcel of land lying in sections **29, 30, 31, and 32**, Township **43** South, Range **42** East. Being a portion of blocks **1** and **2** of "Palm Beach Farms Co., Plat No. **3**". As shown in Plat **Book 2** at pages **45** through **54**, inclusive, and a portion of block **1** of "Palm Beach Farms Co. Plat No. **9**", as shown in Plat Book **5** at page **58**, being described as follows: Parcel A A parcel of land situated in Sections **29, 30, 31, and 32**, Township **43** South. Range **42** East, being a portion of blocks **1** and **2** of "Palm Beach Farms Co. Plat No. **3**", as shown in Plat Book **2** at pages **45** through **54**, inclusive, and a portion of block **1** of "Palm Beach Farms Co. Plat No. **9**", as shown in Plat Book **5** at page **58**. Being described as follows: Commencing at the northwest corner of lot **1** of block **1** of said "Palm Beach Farms Co. Plat No. **3**", thence along the north line of said lot **1** south **89** degrees **55' 48"** east. A distance of **150.15'** to a point in the east right-of-way line of Lake Worth Drainage District E-1 Canal right-of-way, said point being the Point of Beginning. From said Point of Beginning; thence continuing along the north line of said lot **1** south **89** degrees **55' 48"** east. A

distance of 1559.85 feet to a southerly extension of the west line of lot 4, block 1 of the aforementioned "Palm Beach Farms Co. Plat No. 9", thence north 00 degrees 54' 38" east along the west line of said lot 4, a distance of 1434.62 feet; thence south 87 degrees 46' 19" east. A distance of 602.08 feet to the east line of said lot 4; thence north 00 degrees 34' 14" east. A distance of 64.76 feet to the northeast corner of said lot 4; thence south 87 degrees 44' 55" east along the north line of lot 5 of said "Palm Beach Farms Plat No. 9", A distance of 308.63 feet; thence south 00 degrees 29' 50" west, A distance of 64.63 feet; thence south 87 degrees 46' 08" east, A distance of 1380.57 feet to the east line of lot 7 of said "Palm Beach Farms Plat No. 9". Thence south 00 degrees 04' 15" west along said east line of lot 7, A distance of 1348.11 feet to a point in the north line of lot 2 of the aforementioned block 2, "Palm Beach Farms Plat No.3"; thence south 89 degrees 56' 49" east along the north line of said lot 2, block 2, A distance of 1979.63 feet to the northeast corner of said lot 2, block 2; thence south 00 degrees 02' 11" west along the east line of said lot 2 and the southerly extension thereof, lot 4 and the southerly extension thereof, and lot 9, of said block 2 of "Palm Beach Farms Co. Plat No.3", A distance of 3358.54 feet to the southeast corner of said lot 9; thence north 89 degrees 57' 49" west. Along the south line of said lot 9, A distance of 228.17 feet to the southeast corner of "O-S" Tract 4 of "Breakers West Plat No.2", As shown in Plat Book 36 pages 31-35 of the aforementioned public records, said point lying on a curve in the westerly line of "Rubin Road" shown as being an 80 foot wide right-of-way on said "Breakers West Plat No. 2". Now "Sansbury's Way", said curve being concave to the northwest, having a radius of 1105.92 feet and a chord which bears south 33 degrees 05' 53" west. Thence southwesterly along the arc of said curve, subtending a central angle of 10 degrees 15' 15". A distance of 3.30 feet to the end of said curve; thence south 33 degrees 11' 01" west along a line 40.00 feet northwest of and parallel with the centerline of said "Sansbury's Way", as shown on "Breakers West Plat No. 13" recorded in Plat Book 55 at pages 145 through 150. A distance of 502.90 feet to the beginning of a curve concave to the southeast having a radius of 1185.92 feet; thence southerly along the arc of said curve, subtending a central angle of 33 degrees 07' 27". A distance of 685.61 feet; thence south 00 degrees 03' 34" west. A distance of 202.87 feet to a point in the north line of The Lake Worth Drainage District Canal L-3 right-of-way, 75 feet in width as shown on the aforementioned "Breakers West Plat No. 13"; thence north 89 degrees 57' 56" west along said canal north right-of-way line, A distance of 1991.82 feet to the east line of lot 11, Block 1 of the aforementioned "Palm Beach Farms Co. plat No.3"; thence south 00 degrees 03' 01" west. A distance of 75.00 feet to the southeast corner of said lot 11, Block 1; thence north 89 degrees 57' 57" west along the south line of lot 11 and lot 12 of said Block 1, A distance of 2309.90 feet to the southwest corner of said lot 12; thence north 00 degrees 02' 21" east along the west line of said lot 12, A distance of 75.00 feet to the north line of the aforementioned Lake Worth Drainage District L-3 Canal Right-of-way; thence north 89 degrees 57' 57" west along said Canal north right-of-way line, A distance of 223.10 feet; thence Canal North right-of-way line, A distance of 223.10 feet; thence north 00 degrees 02' 21" east, parallel with and 223.10 feet west of the east line of said lot 13, Block 1, A distance of 585.78 feet to the north line of said lot 13; thence north 89 degrees 57' 43" west, along the north line of said lot 13, A distance of 809.18 feet to a point in the east line of the Lake Worth Drainage District E-1 Canal right-of-way, 150.00 feet in width; thence north 02 degrees 36' 21" east along said canal east right-of-way line. A distance of 4054.49 feet to the Point of Beginning. Parcel B A parcel of land situated in sections 28 and 29, Township 43 South, Range 42 East,

being lot 8, lot 9 and the west 1/2 of lot 10 of block 1 of "Palm Beach Farms Co. Plat No. 9", as recorded in plat book 5 at page 58, less and except, the north 32 feet of the east 1/2 of lot 9 and the west 1/2 of lot 10 conveyed to lake Worth Drainage District in Official Record Book 67 page 419 and page 451. Parcel C A parcel of land situated in sections 29 and 30, Township 43 south, Range 42 east, being a portion of a right-of-way, 30 feet in width, situated in block 1 of "Palm Beach Farms Co., Plat No. 9", recorded in Plat Book 5 page 58 being as follows: All of that certain right-of-way, 30 feet in width, as shown on said plat, bounded as follows: On the north, by the south lines of lot 8, lot 9, and the west 1/2 of lot 10, of said block 1; On the south, by the south line of block 1 of said "Palm Beach Farms Co. Plat No. 9"; On the west, by a southerly projection of the west line of said lot 8; On the east by a southerly projection of the east line of said west 1/2 of lot 10, block 1 and being located on the south side of Linton Boulevard, (Southwest 12th Street) approximately 0.7 mile west of Military Trail in a RTU-Residential Transitional Urban Zoning District, was approved on September 27, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review).

B. BUILDING

1. All buildings, structures and living facilities shall be physically designed to conform to, and be compatible with, the general architectural character of a single family residential subdivision.
2. Total floor area shall not exceed 44,000 square feet for the residential buildings.
3. Prior to Site Plan Certification, the petitioner shall amend the Concurrency Exemption for the previously approved project to reflect the reduced capacity requirements of this approval.

C. CLF CONDITIONS

1. Prior to Site Plan Certification, the site plan shall be amended to indicate the minimum requirements of Section 500.37 (Congregate Living Facilities) of the Zoning Code. Amendments shall include but not be limited to, the following:
  - a. a safe drop-off area for group transportation,
  - b. a note regarding the provision of reserve parking,
  - c. the dimensions and type of entry sign, and

- d. pedestrian pathways to all recreation facilities and drop-off areas, including the proposed pool and deck development.

D. DECLARATION OF RESTRICTIONS

1. Prior to Site Plan Certification, the petitioner shall record a declaration of restrictions in a form acceptable to the County Attorney which expressly provides that:
  - a. The conversion of the premises to conventional dwelling units is prohibited except in compliance with Section 500.37 (Congregate Living Facilities) of the Zoning Code, as it may be amended; and
  - b. If permitted, conversion will not result in an increase in the number of "quarters" and residents permitted on the site unless the converted project has obtained a valid PUD approval for conventional dwelling units.

E. ENGINEERING

- E1. The Developer shall provide discharge control and treatment for 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 on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, **Land Development Division**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
- E2. Prior to December 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Roadway Production Division** by road right-of-way warranty deed for Linton Boulevard, an additional 50 feet of right-of-way, south of the existing south right-of-way line for Linton Boulevard. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
- E3. 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 at the time of the Building Permit presently is \$11,055 (201 trips X \$55.00 per trip).

- E4. The property owner shall convey to the Lake Worth Drainage District 90 feet south of the proposed south right-of-way line of Linton Boulevard Road right-of-way as referenced in the condition above for the required right-of-way for Lateral Canal No. 36. This right-of-way conveyance shall be by Quit Claim Deed or an Easement Deed in the form provided by said District prior to December 1, 1990.
- E5. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title may be broken by the County Engineer and Executive Director of Planning, Zoning and Building, subject to the developer meeting all governmental ordinances at the time of subdivision.
- E6. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater, runoff for the road drainage of Linton Boulevard. The amount of runoff required to be stored on site shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering requirements, whichever requirement is greatest.

F. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All finished excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the lake surface area shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification.

G. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

H. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (530) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

LANDSCAPE

1. Landscaping shall be upgraded to include the following:
  - a. Along the north property line: a ten (10) foot wide landscape strip adjacent to the south boundary of the Lake Worth Drainage District (LWDD) L-36 Canal planted with ten (10) foot tall native canopy

trees spaced no more than thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge.

- b. Along the south, east and west property lines, within the twenty-five (25) foot PUD buffer: a ten (10) foot wide landscaped buffer strip with a six (6) foot high wall, hedge, fence, berm or combination and ten (10) foot tall native canopy trees spaced no more than thirty (30) feet on center planted on the exterior side of the wall hedge fence or berm..
- c. All landscape material shall be fully irrigated and maintained in a healthy, viable condition.

J. PRESERVATION

- 1. Prior to Site Plan Certification, the petitioner shall apply for a Preclearing Inspection. All transplantable slash pine and sabal palm trees with the ninety (90) foot additional canal easement for the LWDD L-36 Canal shall be identified. Native vegetation identified to be transplanted shall be relocated to perimeter buffers areas or other open space areas on site.

K. RECYCLE SOLID WASTE

- 1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

L. COMPLIANCE

- 1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of

County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarthy	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK.

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK