

RESOLUTION NO. R-2009- 0507

RESOLUTION APPROVING ZONING APPLICATION W/PDD/R-2008-01902  
(Control No.2005-00454)  
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)  
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 petitions relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), 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 petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

1. The reduction is the minimum necessary to provide safe and adequate access to the project;
2. The reduction will not result in any undue hardship or adverse impact on adjacent property owners;
3. The reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code; and
4. The reduction is supported by the County Engineer and PZB.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 W/PDD/R-2008-01902, the application of SRR Holdings LLC, by Miller Land Planning, agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS WAIVER) to allow deviation from the minimum frontage requirements in the Planned Unit Development Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 30, 2009 subject to the conditions as amended for the concurrent rezoning application.

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 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:

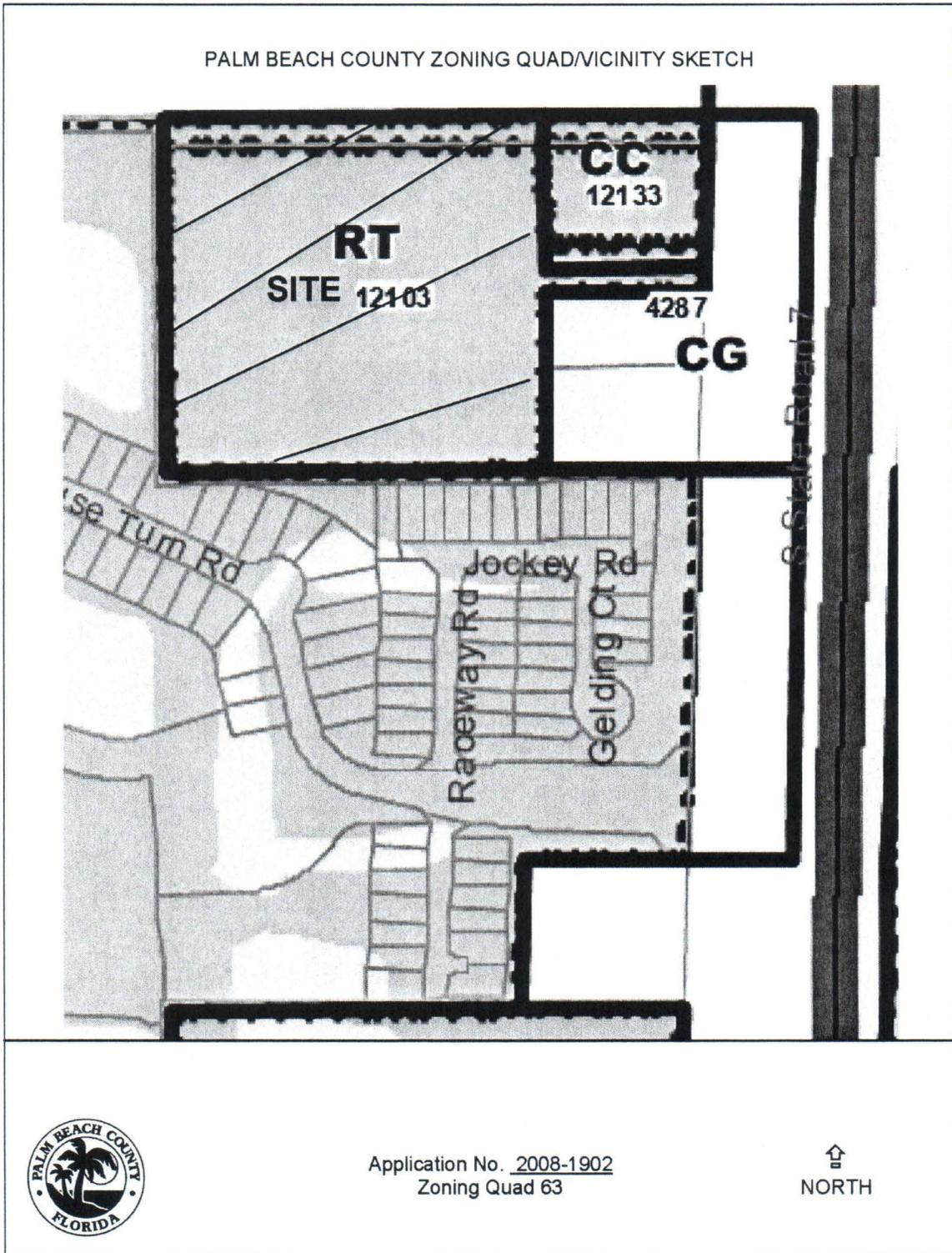
A portion of Tract 17, Block 35, **PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54, inclusive, being more particularly described as follows:

**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

↑  
NORTH