

RESOLUTION NO. R-93- 762

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 89-80.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-90-819
WHICH APPROVED THE SPECIAL EXCEPTION OF
DELRAY BEACH SENIOR LIVING CENTER
PETITION NO. 89-80

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 CR 89-80.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 24, 1993; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 89-80.2 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. Resolution R-90-819 required the conveyance of adequate road drainage easement to provide legal positive outfall for Sims Road and West Atlantic Avenue, prior to April 1, 1990. (see condition #13).
2. At the request of the petitioner numerous time extension for Petition 89-80 have been granted.
3. The time extensions have allowed the development order to remain in effect even with no conditions having been met.
4. County is in immediate need of the drainage easements required by Condition #13, and due to the numerous delays and extensions, will be required to initiate eminent domain action to acquire the easements.
5. If the petitioner had proceeded in accordance with the approved conditions without the time extensions, Palm Beach County would have had the easements dedicated and would not have been required to acquire the easements through eminent domain.

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. CR 89-80.2, amending Conditions

of Approval of Resolution No. R-90-819, the Special Exception of Delray Beach Senior Living Center, Petition No. 89-80, confirmed by the adoption of Resolution R-90-819, which granted a Special Exception to permit a Planned Unit Development consisting exclusively of a Congregate Living Facility (Type III) - Delray Beach Senior Living Center on a parcel of land lying in the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 14, Township 46 South, Range 42 East, lying South of State Road 806 (West Atlantic Avenue), less the West 63.00 feet thereof, being located on the south side of Atlantic Avenue approximately 300 feet west of Markland Avenue in a RM-Multiple Family Residential Zoning District (Medium Density), is approved, as amended, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number 13 which currently states:

If required by the County Engineer the property owner shall convey to Palm Beach County prior to April 1, 1990 adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Sims Road and West Atlantic Avenue along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Sims Road and West Atlantic Avenue. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and district the ultimate Thoroughfare Plan Road Section(s) of the included segment.

Is hereby amended to state:

Property owner agrees to reimburse Palm Beach County for all costs and related expenses including any and all legal fees, court costs, etc. incurred by the County related to the acquisition by eminent domain for road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Sims Road and West Atlantic Avenue along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Sims Road and West Atlantic Avenue.

The reimbursement shall be made prior to November 1, 1993, or at the time of closing on the property

by the contract purchaser, whichever shall occur first.

Commissioner **Marcus** moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	Absent
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Absent
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Absent
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 24th day of June, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Barbara Allen

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

Jina M. Blair *DC*

