

Staff Recommendation

Staff recommends that the Board of County Commissioners postpone action on Status Report CR 89-80 2 until the January 28 1993 Board of County Commissioners meeting as requested by the Engineering Department

Development Approval and Condition(s) Being Reviewed. Zoning Petition 89-80 was approved by the adoption of Resolutions R-90-818 and R-90-819 on May 22 1990. The resolutions rezoned the property to RM-Multiple Family Residential Zoning District (Medium Density) and granted a Special Exception to permit a Planned Unit Development consisting exclusively of a Congregate Living Facility (Type III)-Delray Beach Senior Living Center. The zoning action is now being reviewed pursuant to Unified Land Development Code Section 5 8 "Compliance with Time Limitations " because Condition Numbers 11 13 15 16 17 and 20 have not been fulfilled. These conditions state

- 11 Prior to April 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 Land Development Division by road right-of-way warranty deed for
 - a Sims Road a total of 80 feet west of the L W D D E-3 canal. This right-of-way shall be extended a minimum distance of 300 feet north of the north right-of-way of the Lake Worth Drainage District L-34 Canal
 - b West Atlantic Avenue 60 feet from centerline
 - c The construction of a right turn lane west approach on West Atlantic Avenue and the project's entrance road. This right-of-way shall be for a minimum of 12 foot in width 150 feet in length and a taper length of 180 feet

Free of all encumbrances and encroachments. 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

- 13 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
- 15 The property owner shall convey to the Lake Worth

Drainage District the south 20 feet of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 14 Township 46 Range 42 the required right-of-way for Lateral Equalizing Canal No 34 and the West 1/2 of the Southwest 1/4 of the Southeast 1/4 for the required right-of-way for Equalizing Canal No 3 all 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

- 16 The property owner shall provide construction plans including all turn lanes to Land Development Division for the construction of Sims Road as a 2 lane section (expandable to 5 lanes from the project's entrance road South to the north limit of construction by the Lakes of Delray Project) plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed by September 1 1990. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department Roadway Production Division.
- 17 The property owner shall provide for the acquisition by funding any right-of-way required for the construction of Sims Road as referenced in the Condition above. The Developer shall provide surety acceptable to the Office of the County Engineer and County Attorney prior to April 1 1990.
- 20 Surety required to the Land Development Division for the offsite road improvements as outlined in Condition No 16 No 17 18 and No 19 shall be posted with the Office of the County Engineer prior to April 1 1990.

Property Description. The subject property is approximately 18.8 acres in size and is on the south side of Atlantic Avenue approximately 300 feet west of Markland Avenue.

Property Owner(s). James T. and Barbara D. Smith and Paul A. Peterson et al.

Required Action. Unified Land Development Code Section 5.8 requires that the Board of County Commissioners take one or more of the following actions: grant a time extension of up to twelve months; revoke the Special Exception and possibly rezone the property; impose entitlement density/intensity; add or modify conditions of approval; permit the property owner(s) to initiate a petition to modify or add conditions; or direct staff to cite the property owner for Code violation.

REVIEW FACTORS

Consistency with Land Use Plan

The Land Use Plan category for the subject property is Institutional with an underlying designation of High Residential 12. The Land Development code limits a PUD/CLF to a maximum of 19.1 residents in the High Residential 12 land use category. Therefore the maximum number of residents for this 18.82 acre parcel is 359. The current approval for 583 beds is not consistent with the Comprehensive Plan.

Performance Standards

The current approval which would generate approximately 1,528

trips per day can only meet the Countywide Traffic Performance Standard (TPS) by phasing to scheduled road construction. To meet the TPS development would need to be phased to the scheduled construction of West Atlantic Avenue (Jog Road to Congress Avenue) currently scheduled for FY 92-93 and Linton Boulevard (Jog Road to Military Trail) contract currently scheduled to be let in January 1993.

Supplemental

On June 29 1992 the BCC approved a time extension until October 1 1992 for conditions 11 13 17 and 20.

Each of the conditions have had administrative time extensions totalling twenty-four months the maximum amount allowed by Code. In addition on June 29 1992 the BCC approved an additional time extension until October 1 1992 for conditions 11 13 17 and 20.

The Engineering Department has requested a sixty day postponement to allow time to meet with the property owner regarding several of the conditions.

November 1992