

ORIGINAL

RESOLUTION NO. R-91-595

RESOLUTION APPROVING ZONING PETITION NO. 87-112(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF JOSHUA A. MUSS, TRUSTEE

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. 87-112(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 24, 1991; 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 the 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, Chapter 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. 87-112(B), the petition of JOSHUA A. MUSS, TRUSTEE, BY RUSSELL C. SCOTT, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS REGARDING CONDITION NO. 9 (TRAFFIC/PHASING) R-89-344 AND CONDITION NO. 3 (BUFFER) R-90-840, (WINSTON TRAILS PUD), on a parcel of land lying in a portion of the West 1/2 of Section 2, Township 45 South, Range 42 East, lying west of the Lake Worth Drainage District E-3 Canal, LESS the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 2, AND LESS the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 2, AND LESS the South 100.00 feet of the southwest 1/4 of said Section 2, AND LESS the North 35.00 feet of the Northwest 1/4 of said Section 2, AND LESS the South 85.00 feet of the North 115.00 feet of the Southwest 1/4 of said Section 2 TOGETHER WITH the East 1/2 of Section 3, Township 45 South, Range 42 East, LESS the West 40.00 feet, AND LESS the South 100.00 feet, AND LESS the North 35.00 feet thereof, AND LESS the South 85.00 feet of the North 115.00 feet of the Southeast 1/4 of said Section 3, more particularly, commencing at the Southwest corner of the Southeast 1/4 of said Section 3; thence North 00°47'13" West along the West line of the East 1/2 of said Section 3, a distance of 142.96 feet; thence South 89°48'13" East, a distance of 40.01 feet to a POINT OF INTERSECTION of the Northerly

Right-of-way line of Hypoluxo Road, Road Book 4, Page 1, with the Easterly Right-of-way line of Jog Road, Road Book 4, Page 136, said point also being the POINT OF BEGINNING of this description; thence North $00^{\circ}47'13''$ West, along the said Easterly Right-of-way line of Jog Road, same line also being 40.00 feet East of (as measured at right angles) and parallel with the said West line of the East 1/2 of Section 3, a distance of 2,358.47 feet to a POINT OF INTERSECTION with the southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 17 Canal, Official Record Book 2411, Page 1113, said point to be hereinafter referred to a Point "A"; thence continuing North $00^{\circ}47'13''$ West, along said Easterly Right-of-way of Jog Road, a distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-way Canal; thence continuing North $00^{\circ}47'13''$ West, along said Easterly Right-of-way line of Jog Road, a distance of 2,728.19 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 16 Canal, Official Record Book 2393, Page 1134; thence North $89^{\circ}11'55''$ East along the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35.00 feet South of (as measured at right angles) and parallel with the North Line of the said East 1/2 of Section 3, a distance of 2,686.02 feet to the west line of said Section 2; thence North $89^{\circ}24'10''$ East continuing along the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35.00 feet south of (as measured at right angles) and parallel with the North line of the West 1/2 of said Section 2, a distance of 2,002.52 feet; thence South $00^{\circ}26'12''$ East, a distance of 655.79 feet; thence North $89^{\circ}37'00''$ East, a distance of 213.35 feet to a POINT OF INTERSECTION with the Westerly Right-of-way line of Lake Worth Drainage District E-3 Canal, Official Record Book 2393, Page 1133; thence Southeasterly, the following three courses, along the said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal, same line also being 35.00 feet Southwesterly of (as measured at right angles) and parallel with the following described line [beginning at the Southeast corner of the Southwest 1/4 of said Section 2; thence North $05^{\circ}28'31''$ West to a point on the North line of said Section 2 being 480.00 feet westerly from (as measured along the said North line of Section 2 the Northeast corner of the Northwest 1/4 of said Section 23 thence South $05^{\circ}28'31''$ East, a distance of 2,115.58 feet to a POINT OF INTERSECTION with the said Northerly Right-of-way Line of the said Lake Worth Drainage District Lateral Number 17 canal; thence continuing South $05^{\circ}28'31''$ East, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 canal; thence continuing South $05^{\circ}28'31''$ East, a distance of 1,883.71 feet; thence North $89^{\circ}10'50''$ West, a distance of 571.95 feet; thence South $00^{\circ}24'33''$ East, a distance of 561.02 feet to a POINT OF INTERSECTION with the said Northerly Right-of-way Line of Hypoluxo Road; thence North $89^{\circ}00'34''$ West along the said Northerly Right-of-way Line of Hypoluxo Road, same line also being 100.00 feet North of (as measured at right angles) and parallel with the South line of the Southwest 1/4 of said Section 2, a distance of 1,996.38 feet; thence North $89^{\circ}48'13''$ West along the said Northerly Right-of-way Line of Hypoluxo Road, a distance of 1.86 feet to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing North $89^{\circ}48'13''$ West along the said Northerly Right-of-way Line of Hypoluxo Road, a distance of 2,659.41 feet to the POINT OF BEGINNING; LESS the 85.00 foot Right-of-Way for the Lake Worth Drainage District Lateral Number 17 Canal, BEGINNING at beforementioned Point "A"; thence North $00^{\circ}47'13''$ West, a distance of 85.00 feet; thence North $89^{\circ}14'14''$ East along the said Northerly Right-of-way Line for the Lake Worth Drainage District Lateral Number 17 Canal, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West one-quarter section line of said Section 3, a

distance of **2,671.89** feet to the west line of said Section 2; thence continuing along said Northerly Right-of-way Line, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West 1/4 section line of said Section 2; South **89°46'25"** East, a distance of **2,399.26** feet to a POINT OF INTERSECTION with the said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal; thence South **05°28'31"** East, along said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal, a distance of **85.42** feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence North **89°46'25"** West along the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of **2,406.69** feet to the East line of said Section 3; thence continuing North **89°46'25"** West along said Southerly Right-of-way Line, a distance of **0.24** feet; thence South **89°14'14"** West along said Southerly Right-of-way Line, a distance of **2,671.21** feet to beforementioned Point "A" and the Point of Beginning; TOGETHER WITH a portion of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 and that portion of the Southeast 1/4 of the Northwest 1/4 lying East of the Lake Worth Drainage District E-3 Canal, TOGETHER WITH the Northeast 1/4 LESS the North **20.00** feet of the Northeast 1/4 all being in Section 2, Township 45 South, Range 42 East, more particularly; commencing at the Northeast corner of said Section 2; thence South **00°19'58"** East along the East line of said Section 2, a distance of **20.00** feet to the POINT OF BEGINNING of this description; thence continuing South **00°19'58"** East along said East line of Section 2, same line also being the Northerly projection of and the West line of Plat of Concept Homes of Lantana Plat No. 2 and Plat No. 3, Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 through 125, respectively, a distance of **2,790.84** feet to the Southeast corner of the Northeast 1/4 of said Section 2; thence North **89°46'27"** West, along the South line of the said Northeast 1/4 of Section 2, a distance of **2,665.22** feet to the center of said Section 2; thence North **89°46'25"** West, along the South line of the Northwest 1/4 of said Section 2, a distance of **169.69** feet to the Easterly Right-of-way Line of the Lake Worth Drainage District E-3 Canal, Official Record Book 2393, Page 1133; thence North **05°28'31"** West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, same line also being **65.00** feet Northeasterly of (as measured at right angles) and parallel with the following described Line [beginning at the Southeast corner of the Southwest 1/4 of said Section 2; thence North **05°28'31"** West to a point on the North line of said Section 2 being **480.00** feet westerly from (as measured along the said North line of Section 2) the Northeast corner of the Northwest 1/4 of said Section 2], a distance of **2,086.51** feet; thence North **89°37'00"** East, a distance of **353.56** feet to the west line of the Northeast 1/4 of said Section 2; thence North **00°25'10"** West along the said West line of the Northeast 1/4 of Section 2, a distance of **673.28** feet; thence North **89°25'14"** East along a line **20.00** feet south of (as measured at right angles and parallel with the North line of the said Northeast 1/4 of Section 2, same line also being the Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 16 canal, Official Record Book 2393, Page 1133, a distance of **2,669.27** feet to the POINT OF BEGINNING; TOGETHER WITH Lot One and a portion of Lot Two lying East of the Lake Worth Drainage District E-3 Canal in Tract 38 of the "Hiatus" between Townships 44 and 45 South, Range 42 East also known as Township 44-1/2 South, Range 42 East, LESS the North **54.00** feet thereof, AND LESS the South **50.00** feet thereof, more particularly, commencing at the Northeast Corner of said Lot One, Hiatus Tract 38, same point also being the Southeast corner of Section 35, Township 44 South, Range 42 East, thence South **38°28'00"** East along the Easterly Line of said Lot One, a distance of **70.48** feet to the POINT OF BEGINNING of this description; thence continuing South **38°28'00"** East along

the Easterly Line of said Lot One, a distance of **675.16** feet to a POINT OF INTERSECTION with the Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number **16** Canal, Official Record Book **2393**, Page **1133**, being North **38°28'00"** West, a distance of **63.34** feet from the Northeast Corner of Section **2** of said Township **45** South, Range **42** East; thence South **89°25'14"** West along the said Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number **16** Canal, same line also being **50.00** feet North of (as measured at right angles) and parallel with the South Line of said Lot One, Hiatus Tract **38**, a distance of **2,670.86** feet crossing into said Lot **Two**, Hiatus Tract **38**; thence continuing along said Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number **16** Canal, same line also being **50.00** feet North of (as measured at right angles) and parallel with the South line of said Lot **Two**, Hiatus Tract **38**, South **89°24'10"** West, a distance of **376.88** feet to a POINT OF INTERSECTION with the Easterly Right-of-Way Line of Lake Worth Drainage District **E-3** Canal, Official Record Book **2411**, Page **1114**, thence North **03°20'59"** West along the said Easterly Right-of-way Line of Lake Worth Drainage District **E-3** Canal same line also being **65.00** feet Easterly of (as measured at right angles) and parallel with the following described line [beginning at a point **480.00** feet westerly from (as measured along the North line of the Northwest 1/4 (**NW 1/4**) of said Section **2**); thence North **03°20'59"** West to the Northeast corner of said Lot **Two**, Hiatus Tract **38**], a distance of **633.69** feet to a POINT OF INTERSECTION with the proposed Southerly Right-of-way line of Lantana Road (State Road **812**); thence South **88°25'44"** East along the proposed said Southerly Right-of-way line of Lantana Road, same line also being **54.00** feet South of (as measured at right angles) and parallel with the North line of said Lot One Hiatus Tract **38**, a distance of **2,620.32** feet; thence South **88°28'57"** East along the proposed said southerly Right-of-way Line of Lantana Road, a distance of **45.31** feet to the POINT OF BEGINNING, and being located on the **N.E. CORNER OF INTERSECTION OF JOG RD. AND HYPOLUXO RD.**, BOUNDED **ON THE N. BY LANTANA RD.** IN THE RTS ZONING DISTRICT, was approved on January **24**, **1991**, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

- 1.** The petitioner shall comply with all previous conditions of approval, and all prior time certain conditions, unless expressly modified herein.
- 2.** Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be 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. ENGINEERING - MODIFICATION

E1. Condition No. **9.h.** of Petition No. **87-112** currently states:

9. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

h. PHASE VII: Maximum of **286** dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Hypoluxo Road to Lantana Road has commenced (scheduled for **FY 88/89** by County) and until

construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for **FY 88/89** by County).

- h. PHASE VII: Maximum of ~~236~~ **861** dwelling units until construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for **FY 88/89** by County).

C. LANDSCAPING - MODIFICATION

- 1. Condition No. 3, Petition No. **87-112(A)**, Resolution No. **R-90-840**, which currently states:

"Prior to Site Plan Review the master plan shall be amended to indicate a twenty five (25) foot PUD buffer along the perimeter of the PUD, not separated from the exterior by the golf course, supplemented with Alternative Landscape Buffer No. 3 with minimum twelve (12) foot native canopy trees spaced twenty (20) feet on center and a minimum thirty (30) inch hedge planted twenty four (24) inches on center."

Is hereby revised to state:

"Prior to Site Plan Certification, the Master Plan shall be amended to indicate the required twenty-five (25) foot PUD buffer. The buffer shall meet the following requirements:

- a. The buffer shall be provided along the perimeter of the PUD in accordance with Section **500.21.R. 1** of the Zoning Code except where a golf course or park form part of the perimeter of the PUD;
- b. A twenty-five (25) foot PUD buffer shall be required along the west side of Haverhill Road where it crosses the PUD;
- c. In addition to the required six (6) foot high fence, wall, hedge or berm combination, all buffers shall be supplemented with one native canopy tree for every thirty (30) linear feet of buffer, except, multifamily or patio home pods shall have one tree for every twenty (20) linear feet:
 - 1) Fifty percent (50%) of the trees shall be fourteen (14) feet tall or greater;
 - 2) Twenty five percent (25%) of the trees shall be twelve (12) feet tall or greater;
 - 3) Twenty five percent (25%) of the trees shall be ten (10) feet tall or greater.
- d. The buffer behind the existing shopping center at the northwest corner of the PUD shall not be waived."

D. 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 Elmquist 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 A. Roberts	--	ABSENT
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of May, 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