

RESOLUTION NO. R-2000- 1569

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 97-96
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-98-424
WHICH APPROVED THE REZONING FOR
THEODORE AND GERTRUDE WINSBERG
PETITION NO. 97-96

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 97-96 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 28, 2000; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 97-96 and considered testimony, 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. This project, and the adjacent Multiple Use Planned Development (Zoning Petition 97-95), are considered one project for purposes of the Traffic Performance Standards, and the new phasing conditions of approval reflect this requirement.
2. As currently approved, the project does not meet the Countywide Traffic Performance Standards.
3. The project will comply with the Countywide Traffic Performance Standards if conditions of approval are amended to require phasing.
4. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

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 97-96, to amend Conditions of Approval of Resolution No. R-98-424, from the petition of Theodore and Gertrude Winsberg, Petition No. 97-96, which approved a rezoning to the Multiple Use Planned Development District on a parcel of land lying within Section 3, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the point of intersection of the Southerly right-of-way line of the Lake Worth Drainage District Right-of-Way for the Canal L-29, in accordance to that Right-of-Way width referred to in the Chancery No. 407, recorded in Official Records Book 6495, Page 761, Public

Records of Palm Beach County, Florida and the Westerly right-of-way line of Jog Road, in accordance to those lands described in Official Records Book 5867, Page 561 through 563, Public Records of Palm Beach County, Florida; thence S 00° 33' 45" E, along said Westerly right-of-way line of Jog Road, a distance of 621.56 feet; thence S 00° 42' 29" W, a distance of 370.34 feet; thence S 06° 57' 03" W, a distance of 101.62 feet; thence S 00° 33' 45" E, a distance of 280.00 feet; thence S 54° 31' 44" W, a distance of 66.38 feet; thence N 70° 23' 51" W, a distance of 316.95 feet; thence N 71° 18' 51" W, a distance of 127.77 feet (the previous three courses and distances are along the Northerly right-of-way line of "Flavor Pict Road", as shown on Palm Beach County Drawing No. 88539); thence N 00° 30' 34" W, a distance of 1259.60 feet to a point of intersection with said Southerly right-of-way line of the Lake Worth Drainage District Right-of-Way for the Canal L-29; thence N 89° 29' 26" E along Said Southerly right-of-way line, a distance of 492.89 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida.

Containing 15.00 Acres, more or less

Subject to Easements, Restrictions, Reservations, Covenants, and Rights-of-Way of Record., being located on the west side of Jog Road, approximately 2½ miles north of Atlantic Avenue, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.6. of Resolution R-98-424 which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. **Building permits for no more than 180 multi-family housing units or 16,400 square feet of commercial (919 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Boynton Beach Boulevard to Woolbright Road.**
- b. **Building permits for no more than 346 multi-family housing units or 43,300 square feet of commercial (1997 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Flavor Pict Road to Lake Ida/Sims Road.**
- c. **Building permits for no more than 423 multi-family housing units or 16,400 square feet of commercial (2619 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Pipers Glen Boulevard to Flavor Pict Road.**
- d. **Building permits for no more than 434 multi-family housing units or 64,800 square feet of commercial (2692 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Woolbright Road to Pipers Glen Boulevard.**
- e. **Building permits for no more than 182 multi-family housing units and 120,000 square feet of commercial (5495 daily project trips) shall be issued until the construction has commenced for the intersection improvements for dual left turn lanes north approach, and a separate right turn lane east approach at the intersection of Hagen Ranch Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).**
- f. **Building permits for no more than 220 multi-family housing units and 120,000 square feet of commercial (5760 daily project trips) shall be**

issued until the construction has commenced for the intersection improvements for dual left turn lanes south approach and right turn lane west approach at the intersection of Jog Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).

- g. Building permits for no more than 346 multi-family housing units and 120,000 square feet of commercial (6701 daily project trips) shall be issued until construction has commenced for the 6-lane widening of Boynton Beach Boulevard from Jog Road to Hagen Ranch Road. (Developer to assure construction as per "h" below).**
- h. Developer shall assure construction of improvements in Condition Nos. e, f, and g above by having Board Of County Commissioners adopt a resolution in conjunction with the final development order for this project whereby the Board would agree to include the cost of design, right-of-way acquisitions, and construction for these improvements in fiscal year 2002-2003 of the Palm Beach County 5-Year Road Program at the time of the next Program adoption. These improvements shall be included in the 5-Year program in such a manner that they may only be considered assured for the Winsberg Farm PUD and Winsberg MUPD until such time as construction has commenced on these projects or surety has been established as defined in the Traffic Performance Standards Ordinance .**
- i. Prior to issuance of any building permits for Winsberg Farms PUD or Winsberg Farms MUPD after the date of October 1, 2002, the Developer shall pay all of the remaining impact fees for the unfunded portion of any of the improvements listed above, which have not been paid prior to this date. The funding of the remaining impact fees shall be based upon the latest approved Master Plan for the MUPD and the PUD. These Impact Fee Funds shall be used for improvements which have not been funded by some other developer prior to October 1, 2002.**

The mix of allowable uses as permitted by the Zoning Division for Zoning Petition 97-95 and Zoning Petition 97-96, listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING-Eng)

Is hereby amended to state:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building permits for no more than 180 multi-family housing units or 16,400 square feet of commercial (919 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Boynton Beach Boulevard to Woolbright Road. (COMPLETE)**
- b. Building permits for no more than 346 multi-family housing units or 43,300 square feet of commercial (1997 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Flavor Pict Road to Lake Ida/Sims Road. (COMPLETE)**
- c. Building permits for no more than 423 multi-family housing units or 16,400 square feet of commercial (2619 daily project trips)**

shall be issued until the contract has been let for the 6-lane widening of Jog Road from Pipers Glen Boulevard to Flavor Pict Road. (COMPLETE)

- d. Building permits for no more than 434 multi-family housing units or 64,800 square feet of commercial (2692 daily project trips) shall be issued until the contract has been let for the G-lane widening of Jog Road from Woolbright Road to Pipers Glen Boulevard. (COMPLETE)
- e. Building permits for no more than 182 multi-family housing units and 120,000 square feet of commercial (5495 daily project trips) shall be issued until the construction has commenced for the intersection improvements for dual left turn lanes north approach, and a separate right turn lane east approach at the intersection of Hagen Ranch Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).
- f. Building permits for no more than 220 multi-family housing units and 120,000 square feet of commercial (5760 daily project trips) shall be issued until the construction has commenced for the intersection improvements for dual left turn lanes south approach and right turn lane west approach at the intersection of Jog Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).
- g. Building permits for no more than 346 multi-family housing units and 120,000 square feet of commercial (6701 daily project trips) shall be issued until construction has commenced for the 6-lane widening of Boynton Beach Boulevard from Jog Road to Hagen Ranch Road. (Developer to assure construction as per "h" below).
- h. Developer shall assure construction of improvements in Condition Nos. e, f, and g above by having Board Of County Commissioners adopt a resolution in conjunction with the final development order for this project whereby the Board would agree to include the cost of design, right-of-way acquisitions, and construction for these improvements in fiscal year 2002-2003 of the Palm Beach County 5-Year Road Program at the time of the next Program adoption. These improvements shall be included in the 5-Year program in such a manner that they may only be considered assured for the Winsberg Farm PUD and Winsberg MUPD until such time as construction has commenced on these projects or surety has been established as defined in the Traffic Performance Standards Ordinance.
- i. Prior to issuance of any building permits for Winsberg Farms PUD or Winsberg Farms MUPD after the date of October 1, 2002, the Developer shall pay all of the remaining impact fees for the unfunded portion of any of the improvements listed above, which have not been paid prior to this date. The funding of the remaining impact fees shall be based upon the latest approved Master Plan for the MUPD and the PUD. These Impact Fee Funds shall be used for improvements which have not been funded by some other developer prior to October 1, 2002.

The mix of allowable uses as permitted by the Zoning Division for Zoning Petition 97-95 and Zoning Petition 97-96, listed above

may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING-Eng)

- j) No Building Permits shall be issued until the contract has been let for the widening of Hagen Ranch Road as a 5 lane section from Boynton Beach Boulevard to West Atlantic Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- k) Building Permits for more than the:
 - Nature Center and 402 Multi Family Dwelling Units (or)
 - Nature Center and 57,700 square feet of retail
 shall not be issued until the contract has been let for the widening of Woolbright Road as a 4 lane median divided section from El Clair Ranch Road to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- l) Building Permits for more than the:
 - Nature Center and 703 Multi Family Dwelling Units (or)
 - Nature Center and 120,000 square feet of retail and more than 52 multi family dwelling units shall not be issued until the contract has been let for the widening of Boynton Beach Boulevard as a 6 lane median divided section from the Florida Turnpike to Jog Road plus the appropriate paved tapers, (BLDG PERMIT: MONITORING-Eng)

Commissioner Marcus moved for approval of the Resolution.

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

MAUDE FORD LEE, CHAIR	—	Aye
WARREN H. NEWELL, VICE CHAIR	—	Aye
BURT AARONSON	—	Absent
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Absent
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of September, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

