

RESOLUTION NO. R-2000- 1707

RESOLUTION APPROVING ZONING PETITION DOA97-095(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF PBC WATER UTILITIES DEPARTMENT  
BY KILDAY & ASSOCIATES, INC, AGENT  
(WINSBERG FARM PUD)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA97-095(A) was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition DOA97-095(A), the petition of PBC Water Utilities Department, by Kilday & Associates, Inc, agent, for a Development Order Amendment (DOA) to modify/delete conditions, to relocate and add access point and add square footage to a Public Civic Pod on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Absent
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus		Absent
Carol A. Roberts		Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2000.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

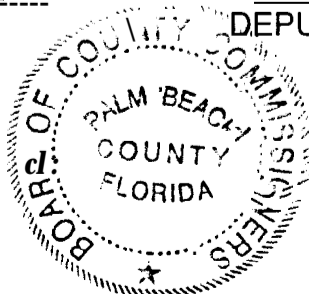
- DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### Legal Description – Parcel No. 1

A parcel of land lying in Sections 3 and 4, Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commence at the point of intersection of the Southerly Right-of-way line of the Lake Worth Drainage District Canal L-29, according to Chancery Case No. 407, recorded in Official Records Book 6495, page 761, of the Public Records of Palm Beach County, Florida and the Westerly Right-of-way line of Jog Road, according to those lands described in Official Records Book 5867, pages 561 through 563, of said Public Records; thence  $S89^{\circ}29'26''W$  along said Southerly Right-of-way line of Lake Worth Drainage District Canal L-29 for 492.89 feet to the Point of Beginning; thence continue  $S89^{\circ}29'26''W$  along said Southerly Right-of-way line for 2045.15 feet; thence  $S00^{\circ}35'26''W$  for 315.45 feet; thence  $N89^{\circ}57'59''W$  for 114.43 feet to the East line of Tract 65, Block 64, "PALM BEACH FARMS COMPANY PLAT NO. 3", as recorded in Plat Book 2, pages 45 through 54 of said Public Records, thence  $N00^{\circ}28'31''E$  along said East line of Tract 65 for 13.00 feet to the said Southerly Right-of-way line of Lake Worth Drainage District Canal L-29; thence  $N89^{\circ}57'59''W$  along said Southerly Right-of-way line for 427.77 feet to the East line of Tract 66 of said Block 64; thence  $S00^{\circ}00'20''W$  along said East line of Tract 66, Block 64, for 0.24 feet to the said Southerly Right-of-way line of Lake Worth Drainage District Canal L-29; thence  $N89^{\circ}57'59''W$  for 91.15 feet to a point on the Northerly Right-of-way line of Proposed Flavor Pict Road; said point being a point on a non-tangent curve, concave to the South, having a radius of 5789.58 feet, where the radial line bears  $S15^{\circ}31'08''W$ ; thence Southeasterly along said curve to the right, through a central angle of  $04^{\circ}05'01''$  for 412.63 feet to a point of tangency; thence continue along said Northerly Right-of-way line of Flavor Pict Road for the following three (3) courses; thence  $S70^{\circ}23'51''E$  for 2178.29 feet; thence  $S71^{\circ}18'52''E$  for 250.00 feet; thence  $S70^{\circ}23'51''E$  for 4.55 feet; thence departing said right-of-way line  $N00^{\circ}30'34''W$  for 1257.42 feet to the Point of Beginning.

#### Legal Description – Parcel No. 2

A parcel of land lying in Section 3 and 4, Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 3, thence  $N00^{\circ}35'26''W$  along the West line of said Section 3 for 115.03 feet to the Northerly right-of-way line of the Lake Worth Drainage District Canal L-30 and the Point of Beginning; thence  $S89^{\circ}36'22''W$  along said Northerly Right-of-way line for 2672.86 feet to the Easterly Right-of-way line of Hagen Ranch Road according to the Right-of-way Deed recorded in Official Records Book 666, pages 48 through 49 of the Public Records of Palm Beach County, Florida; thence along said Easterly Right-of-way line for the following eight (8) courses; thence  $N17^{\circ}14'48''W$  for 27.46 feet to a point of curvature of a curve concave to East, having a radius of 1870.08 feet; thence Northwesterly along said curve to the right, through a central angle of  $8^{\circ}35'45''$  for 280.56 feet; thence  $N04^{\circ}34'27''E$  for 50.12 feet to a Point of Curvature of a non tangent curve, concave to the East, having a radius of 1859.25 feet, where the radial line bears  $N82^{\circ}51'11''E$ ; thence along said curve to the right through a central angle of  $8^{\circ}49'53''$  for 286.58 feet; thence  $N45^{\circ}52'17''E$  for 28.83 feet; thence  $N00^{\circ}00'26''W$  for 35.96 feet; thence  $N45^{\circ}00'39''W$  for 45.73 feet; thence  $N00^{\circ}00'33''W$  for 1480.13 feet to the Southerly Right-of-way line of the Lake Worth Drainage District Canal L-29, according to Chancery Case No. 407, recorded in Official Records Book 6495, page 761, of said Public Records; thence  $S89^{\circ}57'13''E$  along said Southerly Right-of-way line of Canal L-29 for 305.50 feet to a point on the East line of Tract 72, Block 64, "PALM BEACH FARMS COMPANY PLAT NO. 3", as recorded in Plat

EXHIBIT A

LEGAL DESCRIPTION

Book 2, pages 45 through 54 of said Public Records; thence  $N00^{\circ}22'17''E$  along the said East line of Tract 72 and the said Southerly Right-of-way line of Canal L-29 for 5.28 feet; thence  $S89^{\circ}57'59''E$  along said Southerly Right-of-way line of Canal L-29 for 1350.01 feet to a point on the Southerly Right-of-way line of Proposed Flavor Pict Road as shown on Palm Beach County Drawing No. 88539, being a point on a non-tangent curve, concave to the South, having a radius of 5669.58 feet, where the radial line bears  $S10^{\circ}15'50''W$ ; thence Southeasterly along said curve to the right, through a central angle of  $9^{\circ}20'18''$  for 924.06 feet to a point of tangency; thence continue along said Southerly Right-of-way line of Flavor Pict Road for the following four (4) courses; thence  $S70^{\circ}23'51''E$  for 2311.30 feet; thence  $S66^{\circ}44'08''E$  for 250.51 feet; thence  $S70^{\circ}23'51''E$  for 410.80 feet; thence  $S35^{\circ}30'11''E$  for 46.44 feet to the Westerly Right-of-way line of Jog Road, according to those lands described in Official Records Book 5867, pages 561 through 563 of said Public Records; thence along said Westerly Right-of-way line of Jog Road for the following two (2) courses; thence  $S00^{\circ}33'45''E$  for 390.73 feet; thence  $S01^{\circ}43'11''E$  for 240.49 feet; thence departing said Westerly Right-of-way line of Jog Road  $S89^{\circ}39'15''W$  for 245.32 feet; thence  $S00^{\circ}33'21''E$  for 214.82 feet to the Northerly Right-of-way line of the Lake Worth Drainage District Canal L-30; thence  $S89^{\circ}39'21''W$  along said Northerly Right-of-way line of Canal L-30 for 2372.12 feet to the West line of said Section 3; thence  $S00^{\circ}35'26''E$  along said West line of Section 3 for 40.22 feet to the Point of Beginning.

EXHIBIT B

VICINITY SKETCH

97-095A

JUN 21 2000

FILE COPY

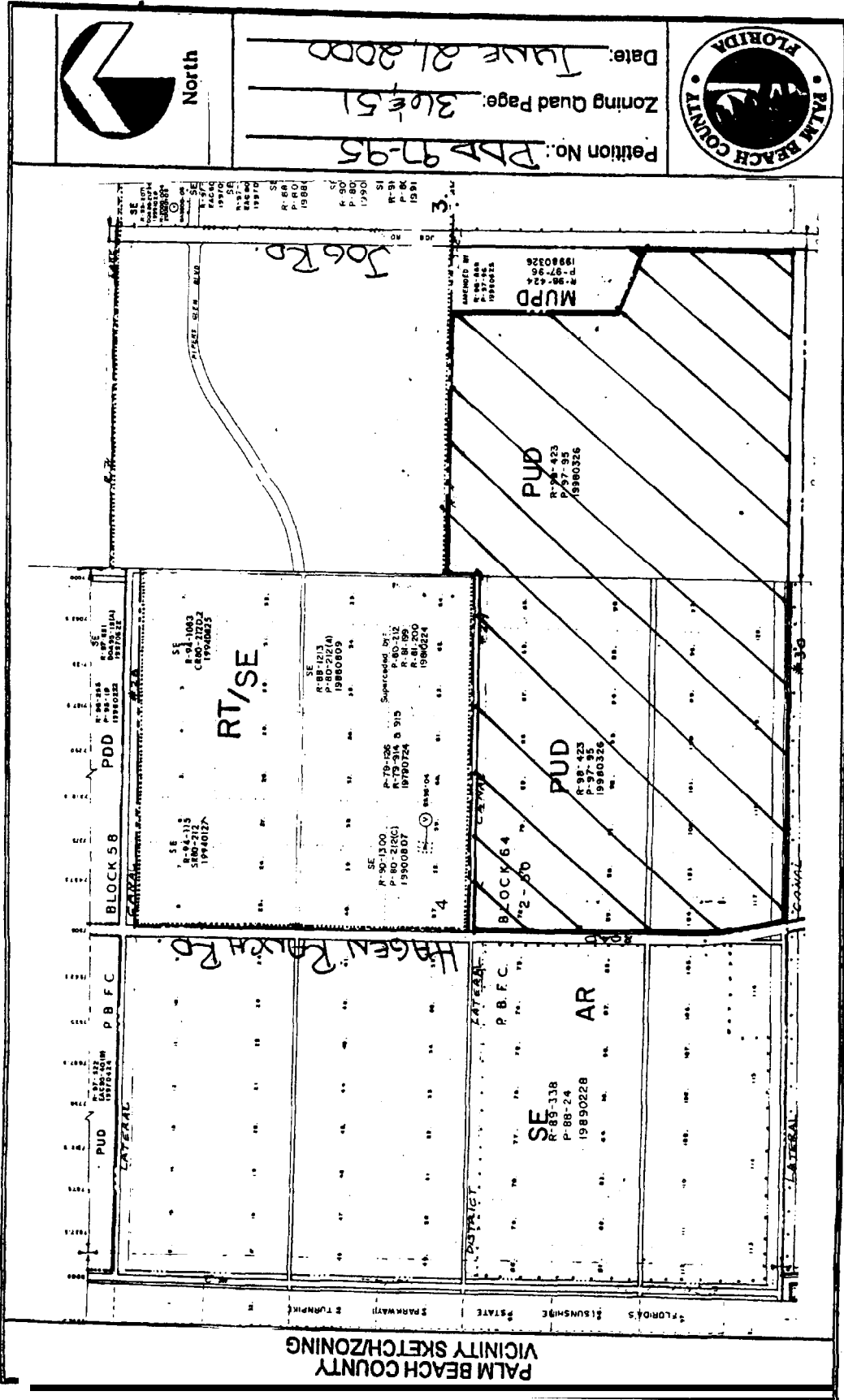


EXHIBIT B

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-424 (Petition 97-95), R-98-869 (Petition 97-95) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Condition A. 1 of Resolution R-98-0423, Petition PDD97-95) which currently states:

**Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 29, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.**

Is hereby amended to state:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated August 24, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN & LIGHTING

1. Condition B.I of Resolution R-98-0423, Petition PDD97-95 which currently states:

**The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning - Planning)**

Is hereby amended to read:

The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet, except as permitted in Section 6.5.H.5 of the ULDC. (BLDG PERMIT: BLDG - Zoning - Planning)

2. **The minimum setback for all residential structures adjacent to the north property line shall be forty (40) feet. Setbacks may include the required landscape buffer. (DRC: ZONING) (Previously Condition B.2 of Resolution R-98-0423, Petition PDD97-95)**

3. **All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previously Condition B.3 of Resolution R-98-0423, Petition PDD97-95)**
4. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO /ONGOING: BLDG /CODE ENF -Zoning - Planning) (Previously Condition B.4 of Resolution R-98-0423, Petition PDD97-95)**

**C. ENVIRONMENTAL RESOURCES MANAGEMENT**

1. **A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM) (Previously Condition I. 1 of Resolution R-98-0423, Petition PDD97-95)**

**D. LANDSCAPING -GENERAL**

1. **All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:**
  - a. **Tree height: fourteen (14) feet.**
  - b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
  - c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.**
  - d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition C. 1 of Resolution R-98-0423, Petition PDD97-95)**
2. **All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:**
  - a. **Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;**
  - b. **Clusters: staggered heights twelve (12) to eighteen (18) feet; and**
  - c. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition C.2 of Resolution R-98-0423, Petition PDD97-95)**

**E. ENGINEERING**

1. **Prior to July 1, 1998 the-property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:**
  - a. **Flavor Pict Road, a total of 120 feet on an alignment approved by the County Engineer,**

- b. **Expanded intersection right of way at Hagen Ranch Road and Flavor Pict Road,**
  - c. **Expanded intersection right of way at Jog Road and Flavor Pict Road, All right of way shall be free of all encumbrances and encroachments. The 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. Expanded intersections shall be in accordance with Palm Beach County's expanded intersection detail.**
  - d. **The property owner may lease back any and all property contained in the right of way described above. The terms of the lease back shall be as provided for in the property owners purchase contract. (DATE: MONITORING-Eng) (Previously Condition E.I of Resolution R-98-0423, Petition PDD97-95)**
2. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects' Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners' road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previously Condition E.2 of Resolution R-98-0423, Petition PDD97-95)**
3. Condition E.3 of Resolution R-98-0423, Petition PDD97-95 which currently states:
- Prior to July 1, 1998 the property owner shall convey a temporary roadway construction easement along Jog Road, Hagen Ranch Road and Flavor Pict Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)**
- Is hereby amended to read:
- Prior to July 1, 2001 the property owner shall convey a temporary roadway construction easement along Hagen Ranch Road and Flavor Pict Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
4. Condition E.4 of Resolution R-98-0423, Petition PDD97-95 which currently states:



**The property owner shall convey to the Palm Beach County Engineering Department sufficient road drainage easement(s) through the project's internal drainage system of POD's A, B, and C, to provide legal positive outfall for runoff from those segments of Hagen Ranch Road and Flavor Pict Road. Roadway limits shall be along the property frontage; and a maximum 800 feet of these adjacent roadway(s). This Easement shall be completed and executed within 60 notice by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. (ENG)**

Is hereby amended to read:

The property owner shall convey to the Palm Beach County Engineering Department sufficient road drainage easement(s) through the project's internal drainage system of POD's A, B, and C, to provide legal positive outfall for drainage for one-half of the proposed Flavor Pict Road extension crossing the property along the northeast boundary of the Green Cay Wetlands. Pod D & E will provide drainage for the other one-half. Roadway limits shall be along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. Any piping required for the road drainage shall be co-ordinated prior to the construction of wetlands. (ENG)

5. Condition E.5 of Resolution R-98-0423, Petition PDD97-95 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. (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 6-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. **The developer shall assure construction of improvements in Condition No. e, f, and g, above by having the 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. None of the above phasing requirements shall apply for POD's A, B, and C. (REVISED TRAFFIC STUDY: MONITORING-Eng) (Previously Condition E.5 of Resolution R-98-0423, Petition PDD97-95)**

Is hereby amended to read:

- 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 **6-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. Building Permits for more than the nature center and 402 multi family dwelling units or the nature center and 57,700 square feet of retail square footage - (3656 trips per day) shall not be issued until construction has begun for 4 lane widening of Woolbright Road from El Clair Ranch Road Name to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- i. Building Permits for more than the nature center and 703 multi family dwelling units or the nature center, 120,000 square feet of retail square footage and 52 multi family dwelling units - (5762 trips per day) shall not be issued until construction has begun for the widening of Boynton Beach Boulevard from Jog Road to the Florida Turnpike plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- j. The developer shall assure construction of improvements in Condition No. e, f, and g, above by having the 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.
- k. 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. None of the above phasing requirements shall apply for POD's A, B, and C. (REVISED TRAFFIC STUDY: MONITORING-Eng) (Previously Condition

- 6. **Prior to the issuance of 11 building permits for POD's D and E the property owner shall provide approved construction plans for Flavor Pict Road as a 3 lane section (expandable to six lanes) from Hagen Ranch Road to Jog Road plus the appropriate paved 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. 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. Turn lanes for the POD entrances, the entrance into the commercial site, and for the Hagen Ranch and Jog Road intersections shall be as required by the County Engineer. No**

**Impact Fee credit shall be given for completion of these construction plans.** (BLDG PERMIT: MONITORING-Engineering) (Previously Condition E.6 of Resolution R-98-0423, Petition PDD97-95)

7. **The Property owner shall construct Flavor Pict Road as a 3 lane section (expandable to six lanes) from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. This construction shall be concurrent with the platting of the residential POD's within the PUD or construction of the Commercial site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Turn lanes for the POD entrances, the entrance into the commercial site, and for the Hagen Ranch and Jog Road intersections shall be constructed as required by the County Engineer. No Impact Fee credit shall be given for this construction. Construction of Flavor Pict Road may be phased as follows:**
  - a. **If Hagen Ranch Road 5 laning adjacent to the site has been completed, then prior to the issuance of the 11th Certificate of Occupancy for any residential units the property owner shall construct Flavor Pict Road from Hagen Ranch Road to Jog Road plus appropriate turn lanes as determined by the County Engineer. (CO: MONITORING/Eng) (Previously Condition E.7.a of Resolution R-98-0423, Petition PDD97-95)**
  - b. **If Hagen Ranch Road 5 laning adjacent to the site has not been completed, then prior to the issuance of the 11th Certificate of Occupancy for any residential units the property owner shall construct Flavor Pict Road from Jog Road to the POD entrance plus appropriate turn lanes as determined by the County Engineer. The Developer shall commence construction of the section from the project entrance to Hagen Ranch Road within ninety (90) days of the receipt of notification, from the County Engineer, that the Hagen Ranch Road five (5) laning adjacent to the site has been completed. Acceptable surety for the remainder of the Flavor Pict Road construction shall then be provided to the Land Development Division based upon 110% of a certified cost estimate by the Developer's Engineer and approved by the County Engineer. (CO: MONITORING/Eng) (Previously Condition E.7. b of Resolution R-98-0423, Petition PDD97-95)**
8. **LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS**
  - a. **Prior to issuance of the 11th building permit for the PUD, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way. When permitted by Palm-Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.**

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.8.a of R-98-0423, Petition PDD97-95)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng) (Previously Condition E.8.b of Resolution R-98-0423, Petition PDD97-95)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of the 12th building permit for the PUD to reflect this obligation. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.8.c of Resolution R-98-0423, Petition PDD97-95)

F. LANDSCAPING ALONG ALL PROPERTY LINES FOR THE CONSTRUCTED WETLANDS

- 1. Prior to master plan approval by the DRC the perimeter buffer area along all property lines labeled as Public Civic shall be amended to indicate a fifty (50) foot wide Type A preservation and mitigation landscape buffer for native vegetation protection. The preservation buffer may include the land and vegetation dedicated for the constructed wetlands. The petitioner may submit a landscape betterment plan as an alternative subject to approval by the Development Review Committee (DRC). (ZONING) (Previously Condition D.I of Resolution R-98-0423, Petition PDD97-95)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

- 1. Landscaping and buffering along the north property line shall include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
  - c. One (1) canopy tree planted every thirty (30) feet on center;

- d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and**
- e. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches planted on the plateau of the berm. (CO: LANDSCAPE) (Previously Condition F. 1 of Resolution R-98-0423, Petition PDD97-95)**

H. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (INTERIOR TO THE PUD AND ABUTTING FLAVOR PICT ROAD)

- 1. **Landscaping and buffering along the north and south property lines shall be upgraded to include:**
  - a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
  - b. **A minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;**
  - c. **one (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of forty (40) feet on center;**
  - d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,**
  - e. **Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previously Condition G.I of R-98-0423, Petition PDD97-95)**

I. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING COMMERCIAL)

- 1. **Landscaping and buffering along the east property line shall be upgraded to include:**
  - a. **A minimum fifteen (15) foot wide landscape buffer strip;**
  - b. **One (1) canopy tree planted every twenty (20) feet on center;**
  - c. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,**
  - d. **Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE) (Previously Condition H.I of Resolution R-98-0423, Petition PDD97-95)**

J. MASS TRANSIT

- 1. **Prior to final certification of the-preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previously Condition J.I of Resolution R-98-0423, Petition PDD97-95)**

2. **Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previously Condition J.2 of Resolution R-98-0423, Petition PDD97-95)**

K. PLANNED UNIT DEVELOPMENT

1. **Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previously Condition K.1 of Resolution R-98-0423, Petition PDD97-95)**
2. **Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng) (Previously Condition K.2 of Resolution R-98-0423, Petition PDD97-95)**
3. **Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previously Condition K.3 of Resolution R-98-0423, Petition PDD97-95)**
4. **All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG -Zoning) (Previously Condition K.4 of Resolution R-98-0423, Petition PDD97-95)**
5. **All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.**

**The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT/ PLAT: MONITORING / ENG - Co Att) (Previously Condition K.5 of Resolution R-98-0423, Petition PDD97-95)**



L. SCHOOL BOARD

1. **The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD) (Previously Condition L.1 of Resolution R-98-0423, Petition PDD97-95)**
2. **Thesubjectdevelopmentshall postanoticeofannual boundaryschool assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models. (ONGOING: SCHOOL BOARD) (Previously Condition L.2 of Resolution R-98-0423, Petition PDD97-95)**

M. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previously Condition M.1 of R-98-0423, Petition PDD97-95)**
2. **Failure to comply with any of the conditions of approval for the subject property at any time may result in:**
  - a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or**
  - b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
  - c. **A requirement of the development to conform with the standards of the ULDC 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; and/or**
  - d. **Referral to code enforcement; and/or**
  - e. **Imposition of entitlement density or intensity.**

**Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.**

**Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition M.2 of Resolution R-98-0423, Petition PDD97-95)**