

RESOLUTION NO. R-2004-0736

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1997-101.3  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-98-408  
WHICH APPROVED THE REZONING FOR  
POLO REALTY, INC.  
PETITION NO. 1997-101

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 Article 2.E of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E, Status Report SR 1997-101.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 22, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1997-101.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E of the Palm Beach County Unified 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. Article 2.E. requires status reports to provide a determination of whether a project is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
2. Status Report SR 1997-101.3 determined that The Planned Unit Development, as approved, is not consistent with the Countywide Traffic Performance Standards (TPS), and therefore not consistent with the Unified Land Development Code (ULDC).
3. The new conditions of approval will ensure that the PUD meets TPS, and the development order will then be consistent with the ULDC.

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. SR 1997-101.3, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-98-408, the rezoning for Polo Realty, Inc., Petition No. 1997-101, which

approved a rezoning to the Planned Unit Development Zoning District (Oxley Northern PUD), property being legally described in Exhibit A., being located on the east side of Jog Road, approximately 0.5 mile north of Clint Moore Road, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:
  - a) Building permits for no more than 39 single family dwelling units (based upon AM peak hour intersection phasing) shall be issued until the construction has commenced for a third through lane, west approach, at the intersection of Clint Moore Road and Jog Road. The construction shall include the signal modifications, necessary tapers, and receiving lanes consistent with the ultimate cross section to be constructed. (BLDG PERMIT: MONITORING - Eng)
  - b) Building permits for no more than 78 single family dwelling units (the equivalent of 79 PM peak hour external trips) shall be issued until the contract has been awarded for the 6-lane construction of Jog Road from Clint Moore Road to Yamato Road. (BLDG PERMIT: MONITORING - Eng)
  - c) Building permits for no more than 107 single family dwelling units (the equivalent of 108 PM peak hour external trips) shall be issued until construction has commenced for the 6-lane widening of Clint Moore Road from Jog Road to Military Trail. (BLDG PERMIT: MONITORING - Eng)
  - d) No building permits shall be issued after December 31, 2010. A time extension for this condition may be approved 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. The extension request shall be made pursuant to the requirements of Section 2.E. of the Unified Land Development Code. (DATE: MONITORING - Eng)
3. Acceptable surety for the off-site road improvements outlined in Condition 2.a) and 2.c) shall be posted with the Office of Land Development Division on or before October 22, 2004. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (Maximum 6 month time extension) (DATE: MONITORING - Eng)
4. Prior to the first building permit, the Property Owner shall receive approval from the County Engineer's Office to either fund or enter into a public facilities agreement to accomplish the improvements in 2.a) and 2.c). Funding shall include any and all costs associated with this construction. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (BLDG PERMIT: MONITORING - Eng)

5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DO: ENG - Eng)

Commissioner McCarty 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:

KAREN T. MARCUS, CHAIR	—	Nay
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 22 day of April, 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKINSON, CLERK

BY:

  
DEPUTY CLERK

Filed with the Clerk of the Board of County Commissioners on the 17 day of May, 2004.