

RESOLUTION NO. R-94-1470

RESOLUTION APPROVING ZONING PETITION **EAC86-106(D)**
DEVELOPMENT ORDER AMENDMENT
PETITION — **WINTO** COMMUNITIES, INC.

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 **EAC86-106(D)** was presented to the Board of County Commissioners at a public hearing conducted on October 27, 1994; 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 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 exemption and therefore 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 **EAC86-106(D)**, the petition of Minto Communities, Inc., for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) & Residential Transitional Suburban (RTS) Zoning Districts, to amend Conditions 21 (phase completion date) & 45 (buildout date) of Resolution R-87-481, previously approved 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 27, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of October, 1994.

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

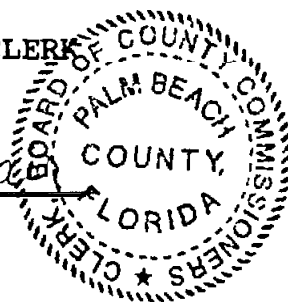


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF SECTIONS 3, 4 AND 5, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID **PORTION** BEING PART OF BLOCKS 38 AND 39 AS SHOWN ON **PL** PALM BEACH FARMS COMPANY, PLAT No. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 58 INCLUSIVE, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9 INCLUSIVE, BLOCK 39 AS SHOWN ON PLAT OF PLAT No. 13 AS RECORDED IN PLAT BOOK 6 AT PAGE 99, TOGETHER WITH THE HIATUS LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AND THE EAST LINE OF SAID BLOCK 39, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89 DEGREES 15'59" WEST ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1207 AT PAGE 361; THENCE SOUTH 00 DEGREES 47' 13" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2714.03 FEET; THENCE SOUTH 89 DEGREES 12' 47" WEST, A DISTANCE OF 115.00 FEET; THENCE NORTH 00 DEGREES 47' 13" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 89 DEGREES 12' 47" WEST, A DISTANCE OF 971.79 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1493.63 FEET AND A CENTRAL ANGLE OF 31 DEGREES 59'34"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 834.01 FEET; THENCE SOUTH 57 DEGREES 13'13" WEST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1142.91 FEET AND A CENTRAL ANGLE OF 29 DEGREES 05'50"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 580.42 FEET; THENCE SOUTH 86 DEGREES 19'03" WEST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 850.43 FEET; THENCE SOUTH 03 DEGREES 40'57" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 86 DEGREES 19' 03" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 03 DEGREES 40' 57" EAST, A DISTANCE OF 176.71 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1227.52 FEET AND A CENTRAL ANGLE OF 17 DEGREES 40'42"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 378.74 FEET; THENCE SOUTH 21 DEGREES 21'39" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1138.37 FEET AND A CENTRAL ANGLE OF 20 DEGREES 20'51"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 404.27 FEET; THENCE SOUTH 01 DEGREES 00'48" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 610.16 FEET; THENCE NORTH 88 DEGREES 59' 12" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00 DEGREES 52' 41" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 89 DEGREES 07' 19" EAST, A DISTANCE OF 412.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10461.90 FEET AND A CENTRAL ANGLE OF 05 DEGREES 00' 00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 912.97 FEET; THENCE SOUTH 85 DEGREES 52'41" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 208.70 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID BLOCK 39; THENCE SOUTH 89 DEGREES 07'19" WEST ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID BLOCKS 38 AND 39, A DISTANCE OF 6980.60 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID BLOCK 38, SAID POINT BEING 70.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY AS SHOWN ON RIGHT-OF-WAY MAP STATION **2334+53.14** TO STATION **2342+94.41** CONTRACT No. 3.2 SHEET 8 OF 13; THENCE NORTH 01 DEGREE 02'30" WEST ALONG SAID WEST LINE OF BLOCK 38, A DISTANCE OF 5154.48 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 5; THENCE NORTH 88 DEGREES 46'49" EAST ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 540.70 FEET TO THE NORTHWEST CORNER OF SAID SECTION 4; THENCE NORTH 89 DEGREES 18'59" EAST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 2727.04 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 89 DEGREES 19'28" EAST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 2726.84 FEET TO THE NORTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 89 DEGREES 15'59" EAST ALONG THE NORTH LINE OF SAID SECTION 3 AND THE EASTERLY PROLONGATION OF THE NORTH LINE

EXHIBIT A

LEGAL DESCRIPTION

OF SAID BLOCK 39, A DISTANCE OF 2686.54 FEET TO THE POINT OF BEGINNING, (THE LAST FOUR (4) DESCRIBED COURSES ALSO BEING THE NORTH LINE OF SAID BLOCKS 38 AND 39 OF SAID PLAT No. 13). SAID PROPERTY LOCATED ON THE WEST SIDE OF JOG ROAD, BEING BOUNDED ON THE SOUTH BY HYPOLUXO ROAD EXTENSION AND ON THE WEST BY FLORIDA'S TURNPIKE (SUNSHINE STATE PARKWAY).

94014.0001
AUGUST 11, 1994

EXHIBIT B
VICINITY SKETCH

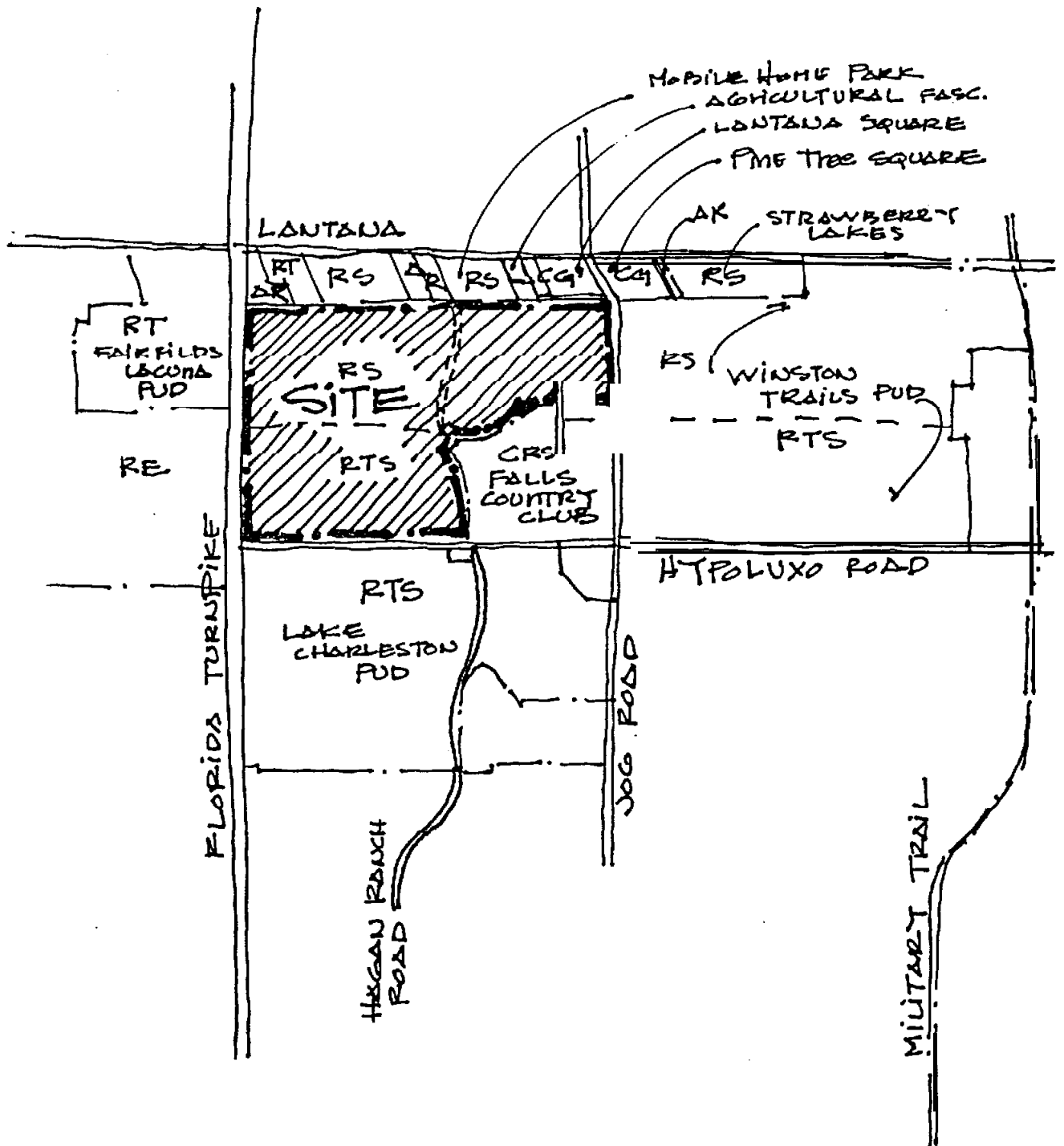


EXHIBIT C

CONDITIONS OF APPROVAL

GENERAL

1. The petitioner shall comply with all previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-1925, R-87-480, **R87-481**, **R89-1315**, **R89-1382** and R-89-1564, unless expressly modified herein. (MONITORING)
2. Condition No. 21 of Resolution No. R-87-481, Petition No. 86-106, which currently states:

REQUIRED **TRAFFIC** STUDY, 1996

- a. No additional building permits shall be issued after December 31, 1996 unless a traffic study has been conducted by the developer, submitted to and approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council that demonstrates that the regional roadway network can accommodate a specified amount of additional development generated traffic and growth in background traffic beyond 1996, and still be maintained at **LOS c** during average annual conditions and **LOS D** during peak season conditions.
- b. The traffic study shall:
 - (a) be conducted in 1996; and
 - (b) identify the improvements and timing of those improvements necessary to provide **LOS c** average annual and **LOS D** peak season operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic.
- C. Additional building permits shall not be issued until a new project phasing program and roadway improvement program (necessary to maintain **LOS C** average annual and **LOS D** peak season operating conditions) has been approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council for the remainder of the development.

Is hereby amended to state:

REQUIRED **TRAFFIC** STUDY, 2001

- a. No additional building permits shall be issued after November 30, 2001 (the **buildout** date) unless **a traffic** study has been conducted by the **developer**, submitted to and approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council that demonstrates that the regional roadway network can accommodate a specified amount of additional development generated traffic and growth in background traffic beyond 2001, and still be maintained at **LOS C** during average annual conditions and **LOS D** during peak season conditions.

- b. The traffic study shall:
 - (a) be conducted in 2001; and
 - (b) identify the improvements and **timing** of those improvements necessary to provide **LOS C** average annual and LOS D peak season operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic.
 - c. Additional building permits shall not be issued until a new project phasing program and roadway improvement program (necessary to maintain **LOS C** average annual and LOS D peak season operating conditions) has been approved by the Palm **Beach** County Engineer and the Treasure Coast Regional Planning Council for the remainder of the development. (Engineering)
3. As represented in the Application for Development Approval (ADA), the phasing **buildout** dates were December 31, 1992 for Phase 1 and December 31, 1996 for **Phase 2**. The Phase 1 **buildout** date indicated in the ADA is hereby amended to be November 30, 1997, and the Phase 2 **buildout** date is hereby amended to be November 30, **2001**. (Monitoring)