

RESOLUTION NO. R-98-560

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 87-112G/E4a
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-97-2086
WHICH APPROVED THE SPECIAL EXCEPTION OF
WINSTON TRAILS, LTD. & JOSHUA MUSS, TRUSTEE
PETITION NO. 87-112(G)

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 87-112G/E4a was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 26, 1998; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 87-112G/E4a 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. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code;
2. The median landscaping on Jog Road, as required by Condition E.30.A. could not be complied with because of a conflict with existing underground utilities; and
3. It is in the **best** interest of Palm Beach County to redirect the funds earmarked for the Jog Road median landscaping.

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 87-112G/E4a, to amend Conditions of Approval of Resolution No. R-97-2086, Petition No. 87-112(G), which approved a Development Order Amendment (DOA) to add (+7.92) acres to PUD; delete pedestrian bridge over L-16 Canal; and amend recreation areas on the Master **Plan** on a portion of the west ½ of Section 2, Township 45 South, Range 42 East, lying west of the Lake Worth Drainage District E-3 Canal, **LESS** the Northeast ¼ of the Northeast ¼ of the Northwest ¼ of said Section 2, **AND LESS** the Southeast ¼ of the Southeast ¼ of the Southwest ¼ of said Section 2, **AND LESS** the South 110.00 feet of the Southwest ¼ of said Section 2, **AND LESS** the North 35.00 feet of the Northwest ¼ of the of said Section 2, **AND LESS** the South 85.00 feet of the North 115.00 feet of the Southwest ¼ of said Section 2 **TOGETHER WITH** the East ½ of Section 3, Township 45 South, Range 42 East, Palm Beach County, Florida, **LESS** the Right-

of-Way for Jog Road, AND LESS the Right-of-way for Hypoluxo Road, AND LESS the North 35 feet thereof, AND LESS the South 85 feet of the North 115 feet of the Southeast ¼ of said Section 3 being more particularly described as follows:

Commencing at the Southwest corner of the Southeast ¼ of said Section 3; thence North 89° 17' 05" East along the South line of Section 3, a distance of 40.00 feet; thence North 00° 47' 13" West, along a line also being 40.00 East of (as measured at right angles) the West line of the East ½ of said Section 3, a distance of 226.84 feet; thence North 89° 12' 47" East, a distance of 9.02 feet to the POINT OF BEGINNING of this description; thence Northerly along the Easterly Right-of-way line of as recorded in Official Record Book 6182, Page 740 of the Public Records of Palm Beach County, Florida the following four courses; thence North 03° 24' 10" East, a distance of 339.24 feet; thence North 00° 23' 35" East, a distance of 2534.08 feet to the beginning of a curve concave to the West having a radius of 4641.66 feet and a central angle of 01° 10' 48"; thence Northeasterly and Northwesterly along the arc of said curve, a distance of 95.49 feet; thence North 00° 47' 13" West along a line tangent to the last described curve, a distance of 1587.00 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official Record Book 2411, Page 1113 of the said Public Records, said point to be hereinafter referred to as Point "A"; thence continuing North 00° 47' 13" West, along a line 80.00 feet East of (as measured at right angles) the West line of the East ½ of Section 3, as distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-way line of said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing North 00° 47' 13" West, along the Easterly Right-of-way line of Jog Road as recorded in Official Record Book 6182, Page 736 of the said Public Records, a distance of 2364.18 feet to a point of intersection with the South line of North 399.04 feet of the Northeast ¼ of said Section 3, said point being on the arc of a curve concave to the Southwest having a radius of 1697.02 feet and a central angle of 01° 25' 18" at which point the radius bears South 89° 10' 48" West, thence Northerly along the Easterly Right-of-way line of Jog Road as recorded in Official Record Book 6182, Page 732 the following three courses; thence Northwesterly along the arc of last described curve, a distance of 42.11 feet; thence North 01° 39' 05" West along a line non-tangent to last described curve, a distance 187.39 feet to a point on the arc of a curve concave to the Southwest having a radius of 1709.02 feet and a central angle of 04° 34' 58", at which point the radius bears South 81° 27' 49" West; thence Northwesterly along the arc of said curve, a distance of 136.69 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° 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' South of (as measured at right angles) and parallel with the North Line of the said East ½ of Section 3, a distance of 2673.22 feet to the West Line of said Section 2; thence North 89° 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) parallel with the North Line of the West ½ of said Section 2, a distance of 2002.52 feet; thence South 00° 26' 12" East, a distance of 655.79 feet; thence North 89° 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 ¼ 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 ¼ of said Section 2) thence South 05° 28' 31" East, a distance of 2115.58 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° 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° 28' 31" East, a distance of 1883.71 feet; thence North 89° 10' 50" West, a distance of 571.95 feet; thence South 00° 24' 33" East, a distance of 551.01 feet to a POINT OF INTERSECTION with said Northerly Right-of-way Line of Hypoluxo Road; thence North 89° 00' 34" West along the said Northerly Right-of-way Line of Hypoluxo Road, same line also being 110.00 feet North of (as measured at right angles) and parallel with the South Line of the Southwest ¼ of said Section 2, a distance of 1998.26 feet; to a POINT OF INTERSECTION with the East Line

of said Section 3; thence continuing along the said Northerly Right-of-way line of Hypoluxo Road the following four courses: thence North **89°39'42"** West, a distance of **1697.83** feet; thence North **86°21'38"** West, a distance of **500.52** feet to a point on the arc of a curve concave to the South having a radius of **10,076.00** feet and a central angle of **02°21'04"**, at which point the radius bears South **01°09'38"** West; thence Northwesterly and Southwesterly along the arc of said curve, a distance of **413.46** feet; thence North **44°04'36"** West, a distance of **58.51** feet to the POINT OF BEGINNING.

Less the following described **85** foot Right-of-way for the Lake Worth Drainage District Lateral Number **17** Canal, BEGINNING at beforementioned Point "A"; thence North **00°47'13"** West, a distance of **85.00** feet; thence North **89°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 $\frac{1}{4}$ section line of said Section 3, a distance of **2631.89** 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 $\frac{1}{4}$ Section line of said Section 2, South **89°46'25"** East, a distance of **2399.26** 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, a distance of **2406.69** 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 **2631.21** feet to beforementioned Point "A" and the POINT OF BEGINNING.

TOGETHER WITH That portion of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and that portion of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ lying East of the Lake Worth Drainage District E-3 Canal, **TOGETHER WITH** the Northeast $\frac{1}{4}$ **LESS** the North **20** feet of the Northeast $\frac{1}{4}$ **all** being in Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows;

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 as recorded in Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 thru 125, respectively, a distance of **2790.84** feet to the Southeast corner of the Northeast $\frac{1}{4}$ of said Section 2; thence North **89°46'27"** West, along the South Line of the said Northeast $\frac{1}{4}$ of Section 2, a distance of **2665.22** feet to the center of said Section 2; thence North **89°46'25"** West, along the South Line of the Northwest $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ of said Section 2), a distance of **2086.51** feet; thence North **89°37'00"** East, a distance of **353.56** feet to the West Line of the Northeast $\frac{1}{4}$ of said Section 2; thence North **00°25'10"** West along the said West Line of the Northeast $\frac{1}{4}$ 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 $\frac{1}{4}$ of Section 2, same line also being the Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number **16** Canal as described in Official Record Book 2393, Page 1133 of the said Public Records, a distance of **2669.27** feet to the POINT OF BEGINNING.

TOGETHER WITH Lot One and that 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 know as "Township 44 $\frac{1}{2}$ South, Range 42 East, **LESS** the North **54.00** feet thereof, **AND**

LESS the South 50.00 feet thereof, being more particularly described as follows:

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 said point being North 38°28'00" West, a distance of 63.34 feet **from** the Northeast corner of said Section 2; 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 2670.86 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 ¼ 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, 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 2620.32 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**, being located on the northeast corner of Jog Road and Hypoluxo Road in the Residential Single Family (**RS**) Zoning District, 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.30. of Zoning Petition Number 87-112(G), Zoning Resolution Number R-97-2086 which currently states:
 - a. Prior to May **15, 1996**, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median **of**:
 - Hypoluxo Road
 - Lantana Road

Funds expended by the Developer for this landscaping installation shall, at a minimum, be **equal** to the cost of the construction of the grade separate golf cart crossing originally required by the developer. Final costs shall be based upon a certified cost estimate from the Developer's Engineer and approved by the County Engineer.

Any remaining funds not expended on the Hypoluxo Road and Lantana Road landscape program shall be **used** for the purchase of trees and their installation on Jog Road from Hypoluxo Road to the project's entrance road in accordance with Palm Beach County's Streetscape Standards. **All** landscaping installation requirements shall be subject to the standards **as** set forth by the Streetscape Standards. **All** landscaping maintenance, except for the **tree** plantings along Jog Road (project entrance to Hypoluxo Road) shall be the requirement of Winston Trial's PUD and shall be subject to the standards set forth in 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 owners. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: **MONITORING - Eng.**) (Note - condition complete)

- c. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner'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 prior to December 1, 1998. (DATE: **MONITORING - Eng.**)
- d. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: **ENG.**) (Previously Condition **E.30** of Petition **87-112(G)**)

Is hereby amended to state:

- A. Prior to May 15, 1996, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of
 - Hypoluxo Road
 - Lantana Road

Funds expended by the Developer for this landscaping installation shall, at a minimum, be equal to the cost of the construction of the grade separated golf cart crossing originally required by the developer. Final costs shall be based upon a certified cost estimate from the Developer's Engineer and approved by the County Engineer.

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 owners. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. All landscaping installation requirements shall be subject to the standards as set forth by the Streetscape Standards. All landscaping maintenance, shall be the requirement of Winston Trails PUD and shall be subject to the standards as set forth by the Streetscape Standards. (DATE: **MONITORING - Eng.**) (Note - condition complete)

- B. Any funds not expended on the Hypoluxo Road and Lantana Road landscaping may be used by the property owner for matching funds to a Beautiful Palm Beaches Grant to enhance the landscaping along Jog Road adjacent to the project.
- C. Any remaining funds after B above shall be contributed to Palm Beach County for use to enhance the proposed landscaping for the County Park dedicated to the County by Winston Trails. The total funds, in an amount approved by the County Engineer, shall be submitted to the Land Development Division for distribution to the Parks and Recreation Department. These funds shall be submitted to the Land Development Division prior to December 1, 1998. No administrative extensions will be granted to this condition. (DATE: **MONITORING - Eng.**)
- D. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual

maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner'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 prior to December 1, 1998. (DATE: MONITORING - Eng)

E. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG)

Commissioner Newell 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:

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

The Chair thereupon declared the resolution was duly passed and adopted this 23 day of April, 1998.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK

