

RESOLUTION NO. R-90-840

RESOLUTION APPROVING ZONING PETITION NO. 87-112(A)  
SPECIAL EXCEPTION PETITION OF JOSHUA A. MUSS, TRUSTEE  
BY ROBERT E. BASEHART, AGENT

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, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 87-112(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-112(A), the petition of JOSHUA A. MUSS, TRUSTEE, BY ROBERT E. BASEHART, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR MUIRFIELD PLANNED UNIT DEVELOPMENT (N/K/A WINSTON TRAILS) TO REDESIGN THE SITE on a portion of the west 1/2 of Section 2, Township 45 South, Range 42 East, lying west of the Lake Worth Drainage District E-3 Canal, **LESS** the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 2, **AND LESS** the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 2, **AND LESS** the South 100.00 feet of the Southwest 1/4 of said Section 2, **AND LESS** the North 35.00 feet of the South 85.00 feet of the North 115.00 feet of the Southwest 1/4 of said Section 2 **TOGETHER WITH** the East 1/2 of Section 3, Township 45 South, Range 42 East, **LESS** the West 40.00 feet, **AND LESS** the South 100 feet, **AND LESS** the North 35.00 feet thereof, **AND LESS** the South 85.00 feet of the North 115.00 feet of the Southeast 1/4 of said Section 3 Commencing at the Southwest corner of the Southeast 1/4 of Section 3; thence North 00 Degrees 47'13" West along the West line of the East 1/2 of Section 3, a distance of 142.96 feet; thence South 89 Degrees 48'13" East, a distance of 40.01 feet to a POINT OF INTERSECTION of the Northerly Right-of-way line of Hypoluxo Road (as now laid out and in use) Road Book 4, Page 1 with the

Easterly Right-of-way line of Jog Road (as now laid out and in use), in Road Book 4, Page 136 of the said Public Records, said point also being the POINT OF BEGINNING of this description; thence North 00 Degrees 47'13" West, along the said Easterly Right-of-way of Jog Road, same line also being 40.00 East of (as measured at right angles) and parallel with the said West line of the East 1/2 of Section 3, a distance of 2358.47 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 17 Canal Official Record Book 2411, Page 1113; thence continuing North 00 Degrees 47'13" West along said Easterly Right-of-way of Jog Road, a distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-way Canal; thence North 00 Degrees 47'13" West, along said Easterly Right-of-way line of Jog Road, a distance of 2728.19 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 Degrees 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 1/2 of Section 3, a distance of 2686.02 feet to the West Line of said Section 2; thence North 89 Degrees 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 1/2 of said Section 2, a distance of 2002.52 feet; thence South 00 Degrees 26'12" East, a distance of 655.79 feet; thence North 89 Degrees 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 1/4 of said Section 2; thence North 05 Degrees 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 1/4 of said Section 2) thence South 05 Degrees 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 Degrees 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 Degrees 28'31" East, a distance of 1883.71 feet; thence North 89 Degrees 10'50" West, a distance of 571.95 feet; thence South 00 Degrees 24'33" East, a distance of 561.02 feet to a POINT OF INTERSECTION with said Northerly Right-of-way Line of Hypoluxo Road; thence North 89 Degrees 00'34" West along the said Northerly Right-of-way Line of Hypoluxo Road, same line also being 100.00 feet North of (as measured at right angles) and parallel with the South Line of the Southwest 1/4 of said Section 2, a distance of 1996.38 feet; thence North 89 Degrees 48'13" West along the said Northerly Right-of-way Line of Hypoluxo Road, a distance of 1.86 feet to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing North 89 Degrees 48'13" West along the said Northerly Right-of-way Line of Hypoluxo Road, a distance of 2659.41 feet to the POINT OF BEGINNING. TOGETHER WITH a parcel commencing at the Northeast corner of said Section 2; thence South 00 Degrees 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** Degrees **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 through 125, respectively, a distance of **2790.84** feet to the Southeast corner of the Northeast 1/4 of said Section 2; thence North **89** Degrees **46'27"** West, along the South Line of the said Northeast 1/4 of Section 2, a distance of **2665.22** feet to the center of said Section 2; thence North **89** Degrees **46'25"** West, along the South Line of the Northwest 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** Degrees **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 1/4 of said Section 2; thence North **05** Degrees **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 1/4 of said Section 2), a distance of **2086.51** feet; thence North **89** Degrees **37'00"** East, a distance of **353.56** feet to the West Line of the Northeast 1/4 of said Section 2; thence North **00** Degrees **25'10"** West along the said West Line of the Northeast 1/4 of Section 2, a distance of **673.28** feet; thence North **89** Degrees **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 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 in Official Record Book 2393, Page 1133, 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 1/2 South, Range 42 East, **LESS** the North **40.00** feet thereof, **AND LESS** the South **50.00** feet thereof, 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** Degrees **28'00"** East along the Easterly Line of said Lot One, a distance of **52.25** feet to the POINT OF BEGINNING of this description, thence continuing South **38** Degrees **28'00"** East along the Easterly Line of said Lot One, a distance of **693.39** 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** Degrees **28'00"** West, a distance of **63.34** feet from the Northeast corner of said Section 2; thence South **89** Degrees **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, a distance of **2670.86** feet crossing into said Lot Two; 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, South **89** Degrees **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** Degrees **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 1/4 of said Section 2); thence North 03 Degrees 20'59" West to the Northeast corner of said Lot Two, Hiatus Tract 38), a distance of 647.74 feet to a POINT OF INTERSECTION with the Southerly Right-of-way Line of Lantana Road, State Road 812, as now laid out and in use State Road Department Right-of-way Map, Section 9353-150, Sheets 1 and 2, dated 1952; thence South 88 Degrees 25'44" East along the said Southerly Right-of-way Line of Lantana Road, same line also being 40.00 feet South of (as measured at right angles) and parallel with the North Line of said Lot One, Hiatus Tract 38, a distance of 2655.10 feet to the POINT OF BEGINNING being located on the Northeast corner of the intersection of Hypoluxo Road and Jog Road, and is bounded on the North by Lantana West Road in a RTS-Residential Transitional Suburban Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions unless expressly modified herein.
2. Prior to Site Plan Review submittal, the master plan shall be amended to indicate:
  - a. Compliance with all minimum property development regulations and land development requirements.
3. Condition No.8 of Resolution 89-344 which presently states,
  - "8. The developer shall provide a 25 foot buffer around the perimeter of the PUD. The buffer may be waived upon further consideration by the Site Plan Review Committee along those areas permitted by Section 500.21.K of the Palm Beach County Zoning Code, if surrounding land uses are deemed compatible.

is hereby amended to read as follows:

"Prior to Site plan Review the master plan shall be amended to indicate a twenty five (25) foot wide PUD buffer along the perimeter of the PUD, not separated from the exterior by the golf course, supplemented with Alternative Landscape Buffer No.3 with minimum twelve (12) foot native canopy trees spaced twenty (20) feet on center and a minimum thirty (30) inch hedge planted twenty four (24) inches on center."

4. Off premise signs shall not be permitted on site.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site! to provide potable water.
7. Condition No. 7 of Zoning Petition No.87-112 which presently state:
  - "7. Prior to site plan approval for Pod 8F, Pod 2F, Pod 5F, the Day Care Center, the Church, and the

Clinic, the alignment of Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road."

is hereby amended to read as follows:

- "A. Prior to site plan approval for Parcel 18, Parcel 17, Parcel 16, the Day Care Center, the Church, and the Clinic, the alignment of Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment. of Haverhill Road.
  - B. Prior to Master Plan certification, the petitioner shall tender an agreement to Mr. Brynteson which offers the sale of the acreage east of the Haverhill Road alignment at a cost not to exceed \$25,000/acre. Mr. Brynteson shall have 90 days after final alignment of Haverhill Road has been established to accept or reject the agreement.
  - C. Those uses currently shown on the east side of Haverhill Road may be moved to the west side of Haverhill Road and park land dedication may be reduced accordingly at Site Plan Review Committee."
8. Conditions No. 17f and 17g of Zoning Petition No.87-112 which presently state:
- "17. The property owners shall construct the following turn lanes with the appropriate number of through lanes as determined by County Engineer:
    - 17.f. At the intersection of Lantana Road and Access 1:
      - 1. left turn lanes, south approach
      - 2. right turn lane, south approach
      - 3. two left turn lanes, east approach, and two through lanes.
    - 17.g. At the intersection of Lantana Road and Access 2:
      - 1. left turn lanes, south approach
      - 2. right turn lane, south approach
      - 3. two left turn lanes, east approach, and two through lanes."

Are hereby deleted. The master plan has been redesigned and the access onto Lantana Road has been removed.

9. Condition No. 17.h of Zoning Petition No.87-112 which presently state:

"17.h. At the intersection of Hypoluxo Road and

Access 3:

1. left turn lane, north approach
2. right turn lane, north approach
3. right turn lane, east approach, and two through lanes.
4. left turn lane, east approach, and two through lanes."

is hereby amended to read as follows:

"At the project entrance on Hypoluxo Road:

1. left turn lane, north approach ;
2. right turn lane, north approach;
3. right turn lane, east approach;
4. left turn lane, east **approach.**"

10. Condition No. 17.i of Zoning Petition No.87-112 which presently state:

"17.i. At the intersection of Jog Road and **Access 5:**

1. left turn lane, north approach and two through lanes;
2. right turn lane, south approach and two through lanes;
3. left turn lane, east approach;
4. right turn lane, east **approach.**"

is hereby amended to read as follows:

"At the project entrance on Jog Road:

1. left turn lane, north approach and two through lanes. The County Engineer may at his option require dual turn lanes on Jog Road at the project's entrance road. Should dual turn lanes be required, additional right-of-way required for this construction shall be reflected on the applicant's Site Plan;
2. right turn lane, south approach;
3. left turn lane, east approach;
4. right turn lane, east **approach.**"

11. Condition No. 10 of Zoning Petition No. 87-112 which presently states:

"10. The Property owner shall provide permitable construction plans or update the existing construction plans for the six-laning of Hypoluxo Road from Congress Avenue to I-95. 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. These construction plans shall be completed and approved by October 1, 1990. Plan costs shall be approved by the County Engineer. It is the responsibility of the

petitioner to obtain all necessary permits.'

is hereby amended to read as follows:

"The Property Owner shall provide **permissible** construction plans for the four-laning of Lantana Road, from Hagen Ranch Road to Lyons Road, including four lanes under the Florida Turnpike and appropriate underpass, as required by the Florida Department of Transportation, and approved by the County Engineer. These construction plans shall be approved by the County Engineer, based upon the County's minimum construction plan standards, as they presently exist or as they may from time to time be amended. These construction plans shall be completed and approved by October 1, 1990. Plan costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits."

12. Condition No. 22 of Zoning Petition No.87-112 which presently states:

"22. The property owner shall provide surety in the amount of 110% of the estimated cost for the off-site improvements listed in Condition No. 16 (6-laning of Hypoluxo Road from Congress Avenue to 1-95), No. 17 (4-laning of Lantana Road from Hagen Ranch Road to Lyons Road), No. 18 (6-laning of Lantana Road from Military Trail to Congress Avenue), and No. 20 (intersection improvements). An estimated cost for the improvements including plans and right-of-way shall be prepared by the property owner's engineer and submitted to the County Engineer within 120 days of the approval of the Resolution approving this project. Surety shall be required 60 days after acceptance of the cost estimate by the County Engineer. This Surety shall be reviewed on an annual basis by the County Engineer and updated with the new surety cost estimates."

is hereby amended to read as follows:

"**Prior** to Master Plan approval or prior to **March 1, 1990** whichever shall first occur, the property owner shall provide surety in the amount of 110% of the estimated cost for all off-site improvements listed in Condition No. 17 (4-laning of Lantana Road from Hagen Ranch Road to Lyons Road), No. 18 (6-laning of Lantana Road from Military Trail to Congress Avenue), and No. 20 (intersection improvements) of Zoning Petition No. 87-112. A Certified cost estimate for the 4-laning of Lantana Road and the 6-laning of Lantana Road and the intersection improvements including all plans and right-of-way documents shall be prepared by the property owner's engineer and submitted and approved by the County Engineer **prior** to **March 1, 1990.**"

13. Condition No. 23 of Zoning Petition No.87-112 which presently states:

"23. Property owner shall construct Haverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including

appropriate canal crossing) when needed for internal access or when required by County Engineer for continuity. Construction shall be 2-lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including bridge over the L-17 Canal) construction plans shall include a 5-lane bridge and a separate 2-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer."

is hereby amended to read as follows:

"Property owner shall construct Haverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) when needed for internal access or when required by County Engineer for continuity. Construction shall be 2/3 lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including a bridge over the L-17 Canal). Construction plans shall include a 5-lane bridge and a separate 2-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer. Included in this construction shall be dual turn lanes, east approach on Lantana Road at Haverhill Road. This property owner shall be responsible for acquisition of any and all right-of-way required for this construction. These dual turn lanes on Lantana Road shall be constructed at the time of the construction of Haverhill Road."

14. Condition **No.** 11 of Zoning Petition **No.** 87-112 which presently states:

"11. The property owners shall provide permitted construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road including a Glades Road type modification to the Turnpike overpass. 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. These construction plans shall be completed and approved by October **1, 1990**. Plan costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits."

is hereby amended **to** read as follows:

"**The** property owners shall provide permitted construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road including **4** lanes under the Florida Turnpike and appropriate underpass as required by the Florida Department of Transportation and approved by the County Engineer."



Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	-- AYE
Karen T. Marcus	-- AYE
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: \_\_\_\_\_  
COUNTY ATTORNEY

BY: Michelle P. Brown  
DEPUTY CLERK