

RESOLUTION NO. R-89-1082

RESOLUTION APPROVING ZONING PETITION NO. 73-52(C)
SPECIAL EXCEPTION PETITION OF THE RESORT AT INDIAN SPRING, INC.

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 Ordinance No. 73-2 have been satisfied: and

WHEREAS, Petition No. 73-52(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1988; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 73-52(C) the petition of THE RESORT AT INDIAN SPRING, INC., by F. Martin Perry, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR INDIAN SPRING PLANNED UNIT DEVELOPMENT (PETITION NOS. 73-52, 73-52(A), 74-136, 76-192 AND 78-141) TO INCREASE THE LAND AREA AND TO TRANSFER 450 DWELLING UNITS FROM PODS E, G, M, N AND Q TO PARCEL 8. [THIS APPROVAL EXTINGUISHES THE SPECIAL EXCEPTION FOR A CLUBHOUSE FACILITY (PETITION NO. 75-31)] on a parcel of land lying on a parcel of land lying in Section 35, Township 45 South, Range 42 East, being more particularly described as follows:

Commencing at the Northeast corner of said Section 35, bear South 89 degrees 17' 49" West, along the North line of said Section 35, a distance of 50.00 feet to a point on the West Right-of-way line of Military Trail, as recorded in Plat Book 2, Page 26; thence South 00 degrees 15' 41" East, along said Right-of-way line, a distance of 693.57 for a Point of Beginning; thence, continue South 00 degrees 15' 41" East, along said Right-of-way line, a distance of 1976.46 feet to a point on the North Right-of-way

line of Lake Worth Drainage District Lateral Canal L-27; thence, South 89 degrees 26' 59" West, along said canal Right-of-way line and departing from said Road Right-of-way line, a distance of 812.61 feet to the Southeast corner of Indian Spring Plat No. 1, as recorded in Plat Book 31, Pages 43 through 47: thence North 00 degrees 15' 41" West along the East line of said Plat, a distance of 1999.49 feet to a point on the South Right-of-way line of Southwest 15th Avenue, as shown on said Plat; thence North 89 degrees 17' 49" East, along said South Right-of-way line, a distance of 777.43 feet: thence South 45 degrees 28' 58" East, continuing along said Right-of-way line, a distance of 35.49 feet: thence North 89 degrees 17' 49" East, along said Right-of-Way line, a distance of 10.00 feet to the Point of Beginning, less and excepting therefrom the 10 foot wide additional Right-of-Way for Military Trail, recorded in Official Record Book 2439, Page 983, being located on the east side of Jog Road, approximately 1.0 mile south of Boynton Beach Boulevard (SR 804), bounded on the east by Military Trail (SR 809) in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all conditions of previous approvals unless expressly modified herein.
2. Prior to certification, the master plan shall be amended to indicate the following:
 - a. The tabular data shall reflect the civic site dedication acreage for the entire Planned Unit Development.
3. The twenty-five (25) foot buffer along the southern property line of parcel 8 shall be upgraded with landscape plantings consisting of a berm and hedge combination, to reach six (6) feet in height within one (1) year, and minimum ten (10) foot native canopy trees planted a maximum of twenty (20) feet on center.
4. Parcel 8 building height shall be limited to three (3) stories.
5. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: **Formation** of a single 'master' property owner's association, and automatic membership in the 'master' association by any party holding title to any portion of the property included in the Planned Unit Development.
6. The petitioner may exchange the required on-site dedication of land for civic uses, either a parcel of land off-site in acreage or the cash value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of

the on-site and off-site dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to off-set the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H.

7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the first one inch of stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
10. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Military Trail, 60 feet from centerline and Jog Road an additional 40 feet of right-of-way free of all encumbrances and encroachments. Petitioner 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
11. The property owner shall construct:
 - a) at the intersection of Golf Road and Military Trail a left turn lane, south approach;
 - b) at the intersection of S.W. 15th Avenue and the project's entrance road a left turn lane, east approach

all concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with paving and drainage improvement for Pod "8".
12. The property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate

road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of S.W. 15th Avenue and Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along S.W. 15th Avenue and Jog Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

13. The property owner shall construct:
 - a. El Clair Ranch Road from Piping Rock Drive to the north side of the proposed crossing of the Lake Worth Drainage District L-28 Canal.

This construction shall be completed upon thirty (30) day notice by the County Engineer.

14. Petitioner shall contribute the sum of \$500,000.00 towards roadway improvements within the project area. These funds shall be paid in annual payments of \$125,000.00 beginning November 1, 1989 and ending November 1, 1992. All funds paid under this condition shall be credited towards this property owner's roadway impact fees as it may from time to time be amended.
15. Prior to master plan certification provisions for water and sewer service shall be secured, subject to approval by the Palm Beach County Health Department.
16. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

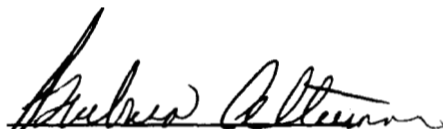
Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 30, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK.

