

RESOLUTION NO. R-90-368

RESOLUTION APPROVING ZONING PETITION NO. 73-52(D)
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 have been satisfied; and

WHEREAS, Petition No. 73-52(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 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. 73-52(D), the petition of THE RESORT AT INDIAN SPRING, INC., by Marda L. Zimring, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR INDIAN SPRING PLANNED UNIT DEVELOPMENT TO ADD AN ACCESS POINT FROM PARCEL 8 TO MILITARY TRAIL (SR 809) on a parcel of land known as PARCEL 1: The Northeast 1/4 of Section 35, Township 45 South, Range 42 East, less the North 400.00 feet of the East 433.00 feet of said Section 35 and LESS Lots 4, 6, 7, 8 and 49, Block 1, Indian Spring Plat No.1, according to the Plat thereof recorded in Plat Book 31, pages 43 to 47, inclusive, of the public records of Palm Beach County, Florida; and, LESS Lots 2 and 3, Block 5, Indian Spring Plat No.2, according to the Plat thereof recorded in Plat Book 31, pages 226 and 227 of the public records of Palm Beach County, Florida; and, PARCEL 11: The East 1/2 of Section 34, Township 45 South, Range 42 East and the West 1/2 of Section 35, Township 45 South, Range 42 East, being located on the west side of Military Trail (SR 809), approximately 1.2 miles south of Boynton Beach Boulevard (SR 804), in the RS-Single Family Residential Zoning District, was approved on October 2, 1989 as advertised, subject to the following conditions:

1. Petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to February 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land** Development Division by road right-of-way warranty deed for the construction of a right turn lane, north approach on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length with a taper length of 180 feet, free of all encumbrances and encroachments. Property owner 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.
3. The Property owner shall fund the construction of a right turn lane, north approach on Military Trail concurrent with the construction of the 6 laning of Military Trail. Should the developer wish to construct this turnout prior to a twelve (12) month time period that Military Trail is upgraded, then this petitioner shall construct this right turn lane as part of the existing 4 lane roadway at his expense. These funds shall be made available to the County Engineer prior to July 1, 1990. The property owner shall also be responsible for any change orders associated with this construction.
4. The Property owner shall convey to Palm Beach County prior to February 1, 1990 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 Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Military Trail. Runoff shall be limited to that portion from a 4 lane to a 6 lane roadway. 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.
5. The property owner shall not make use of the property described as the south 132 feet of the subject property on a plat until the ownership of that 132 feet is determined either by court order or by agreement between the property owner and Lake Worth Drainage District. The unit density shall be revised accordingly, based upon available land area. The site plan shall be noted accordingly.
6. The Developer shall install signalization if warranted as determined by the County Engineer at:
 - a. Golf Road and Military Trail; and,

b. Military Trail and the project's entrance road

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

- 7. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
- 8. The proposed entrance onto Military Trail shall be right-turn-in and right-turn-out only. No median openings shall be permitted.
- 9. 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 Resolution.

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

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| 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 27th day of February, 1990

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

