

RESOLUTION NO. R-94- 785

RESOLUTION DENYING ZONING PETITION **DOA84-95(G)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF INTERNATIONAL SPORTS ASSOCIATES, 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, 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 Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA84-95(G)** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 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, the Board of County Commissioners made the following findings of fact:

1. Modifications to master plans which redesignate the use of parcels of land require Board of County Commission approval.
2. This development order amendment was to redesignate a portion of the commercial pod to residential (Tract 0), to add 190 multi family units to Tract 0, and to allow a 90 room hotel on a recreation site (requested use).
3. Any development order or amendment to an approved development order must be based upon consistency with the Comprehensive Plan, and compliance with the intent and standards of the Unified Land Development Code (ULDC).
4. The standards applied to the original approvals of planned development's are contained in Section 5.3 of the ULDC which states that failure to meet any standard shall be deemed to be adverse to the public interest and the amendment may not be approved.
5. This development order amendment is not consistent with the purpose and intent of the ULDC.
6. No changed conditions were demonstrated by the petitioner that would require this amendment.
7. This development order amendment does not promote compatibility and is not consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
8. The commercial uses as approved were designed to serve the approved PUD and therefore minimize the impacts on the surrounding areas. There is no evidence to indicate that it is in the best interests of the public, or appropriate, to reverse the previous approvals.

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 DOA84-95(G), the petition of International Sports Associates, Inc., for a DEVELOPMENT ORDER AMENDMENT to amend the master plan for the Mission Bay Planned Unit Development to redesignate a portion of Tract 0 from commercial to residential, add 190 units to Tract 0, and allow a hotel *in* a recreation pod (requested use), on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown in EXHIBIT B, attached hereto and made a part hereof, was denied on June 23, 1994.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 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

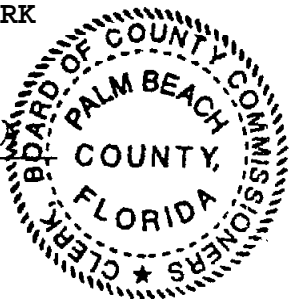


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION

Being all of Parcel No. 1 and Parcel No. 2, Mission Bay - Tract "O"
as recorded in Plat Book 59 Pages 196 & 197 inclusive, of the Public
Records of Palm Beach County, Florida.

Less and except the following described Parcel;

Begin at the most Northerly Northwest corner of said Tract O; thence North
89°08'17" East along the North line of said Tract O, a distance of 195.00 feet;
thence South 70°25'37" East along said North line of Tract O, a distance of 267.13
feet to a point on the East line of Tract O; thence South 04°33'42" East along said
East line, a distance of 47.00 feet; thence South 85°26'18" West, a distance of
50.00 feet; thence South 04°33'42" East, a distance of 90.00 feet; thence South
89°08'17" West, a distance of 167.27 feet; thence North 83°23'43" West, a distance
of 55.47 feet; thence North 00°5'14" West, a distance of 20.00 feet; thence South
89°08'17" West, a distance of 243.16 feet to a point on a circular curve concave to
the Northwest whose radius point bears North 57°47'19" West from said point,
having a radius of 377.49 feet and a central angle of 33°04'23", said curve being a
part of the Easterly Right-of-Way of Calle Comercio according to said plat of Mission
Bay; thence Northeasterly along the arc of said curve and said Right-of-Way, an arc
distance of 217.90 feet to the POINT OF BEGINNING.

Containing 8.48 Acres more or less.

Said lands situate, lying and being in Palm Beach County, Florida.

Subject to easements and restrictions of record.

○ THE LANDS SHOWN HEREON LIE WITHIN FLOOD ZONE B ACCORDING TO
FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 120192-O 100-B,
MAP REVISED OCTOBER 15, 1982.

84-95 G

JAN 05 1994

EXHIBIT B
VICINITY SKETCH

