

RESOLUTION NO. R- 85-705

RESOLUTION APPROVING ZONING PETITION 73-52(A), Special Exception

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(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 1985; 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, the Board of County Commissioners made the following findings of fact:

1. With minor modifications to the site plan, and variance relief, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of February 1985, that Petition No. 73-52(A) the petition of INDIAN SPRINGS CADILLAC FAIRVIEW, INC., By Herbert M. Hutt, President for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR INDIAN SPRINGS PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 73-52 TO ALLOW RECREATIONAL USE ON A RESIDENTIAL PLATTED PARCEL on a parcel of land being all of Bannock at Indian Spring, in Section 35, Township 45 South, Range 42 East, as recorded in Plat Book 41, Pages 35 and 36, together with, a portion of Tract C-2, of Indian Springs, Plat No. 3, as recorded in Plat Book 41, pages 6 through 8, inclusive, said parcel being more particularly described as follows:

Beginning at the most Southerly corner of said plat of Bannock at Indian Springs; thence, bear South 65 degrees 09'50" West, a distance of 120.00 feet; thence, North 32 degrees 11'25" West, a distance of 570.19 feet to a point of curvature of a curve to the right having a radius of 1500.00 feet; thence Northerly along said curve, and along the Westerly boundary line of said Plat of Bannock at Indian Spring, through a central angle of 24 degrees 11'26", a distance of 633.30 feet to a point on a curve Northerly, having a radius of 840.00 feet, and whose radius point bears North 02 degrees 30'00" East; thence, Easterly, along said curve and along the North boundary line of said plat of Bannock at Indian Spring, through a central angle of 03 degrees 00'00", a distance of 43.98 feet to the end of said curve; thence, North 88 degrees 17'50" East, continuing along said line, non-tangent to said 840.00 foot radius curve, a distance of 51.70 feet to a Point on a curve concave Northerly, having a radius of 840.00 feet, and whose radius point bears North 09 degrees 00'00" West; thence, Easterly, along said curve, and continuing along said North boundary line, through a central angle of 15 degrees 50'10", a distance of 233.55 feet to the point of tangency; thence, North 65 degrees 09'50" East, continuing along said North boundary line, a distance of 75.00 feet; thence, South 69 degrees 50'10" East, continuing along said North boundary line, a distance of 35.36 feet; thence, South 24 degrees 10'50" East, along the East boundary line of said plat of Bannock at Indian Spring, a distance of 467.22 feet to a point of curvature of a curve to the right, having a radius of 845.00 feet; thence, Southerly, continuing along said East boundary line, through a central angle of 42 degrees 44'07", a distance of 630.26 feet to the point of tangency; thence South 17 degrees 53'57" East, continuing along said East boundary line, a distance of 79.36 feet to the Point of Beginning. Said property located on the southwest corner of the intersection of Westborne Drive and Indian Springs Trail in an RS-Residential Single Family District was approved' as advertised subject to the following conditions:

1. Prior to site plan certification the petitioner shall obtain variance relief from the Board of Adjustment for substandard side interior yard setbacks for the residential unit and recreation

building.

2. Prior to site plan certification the site plan shall be amended to reflect the following:

a) Tract B shall have pedestrian linkage to the sidewalk along Indian Spring Trail.

b) Preservation, and integration of existing landscaping where possible including berms, into the overall site development plan.

c) Supplemental landscaping consistent in landscape character, growth habit, and spacing with existing ornamental improvements, along the southwest site perimeter to effectively screen on-site recreation facilities from the adjacent golf course.

d) A continuous solid hedge or six (6) foot fence along all property lines abutting adjacent residential lots.

e) Relocation of proposed tennis courts to meet setback requirements.

3. The new tennis courts (those permitted pursuant to this approval) shall not be lighted.

4. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

6. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance **73-4**, as amended.

7. No mounding or berming is to extend into the dedicated rights-of-way.

8. There shall be no bleachers or viewing stands in excess of one hundred and twenty-five (125) seats, and there shall be no public tournament-type activities held at the subject recreation site (Parcel B).

9. a) When Phase I of tennis courts is completed, new parking lot at clubhouse shall be completed. (Phase I is 5 new courts.)

b) Phase II (10 courts) will not be constructed until an additional 250 units are built in the development.

c) Phase III (4 courts) will not be built until an additional 750 units are built in the development. (This includes the 250 units referenced in paragraph b, above.)

10. No change from this particular recreational use shall be permitted by administrative approval. Any such change must be presented to the Board of County Commissioners in a modification petition.

11. The existing plat of record for this tract shall be replatted as a recreation facility, prior to commencement of construction of the tennis courts.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	NAY
Dorothy Wilken, Member	--	NAY

The foregoing resolution was declared duly passed and adopted  
this ~~MAY 07~~ **MAY 07 1985** confirming action of the 28th February  
1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Nancy Sprague  
County Attorney