

RESOLUTION NO. R-94- 783

RESOLUTION DENYING ZONING PETITION **DOA84-95(F)**, IN PART
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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA84-95(F)** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and

WHEREAS, Zoning Petition **DOA84-95(F)** was approved in part, and denied in part, by the Board of County Commissioners; 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 the Zoning Commission; 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, in part, was to redesignate 1.5 acres of an approved recreation pod (tennis academy) to multi-family residential and to increase the number of units in the residential parcel (Parcel F) by 32.
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 approval 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, in part, 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, in part, is not consistent with the provisions of the ULDC for use, layout, function, and general development characteristics.
8. Reducing the number of tennis courts to create additional residential units creates additional impacts and is not consistent with the approved plan of development.

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(F), 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 reconfigure Parcel F & the adjacent recreation pod (redesignate pod land uses) and add 32 units to Parcel F 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

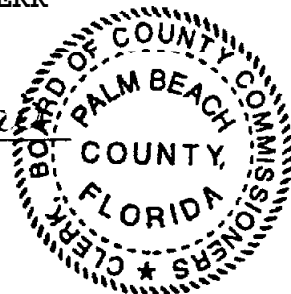


EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B-16

DESCRIPTION: SWIM CLUB

A parcel of land lying within a portion of Florida Fruit Lands Company's Subdivision No. 2 as recorded in Plat Book 1, Page 102 of the Public Records of Palm Beach County, Florida, and located in Section 13, Township 47 South, Range 41 East, and being more particularly described as follows:

Commence at the Southwest corner of said Section 13; thence North 85°47'34" East along a line that connects the Southwest corner of said Section 13 and the Southwest corner of Section 19, Township 47 South, Range 42 East, a distance of 3,137.34 feet; thence North 04°12'26" West, a distance of 1,119.43 feet to a point of intersection with a non-tangent circular curve, whose radius point bears South 13°08'17" West *From* said intersection: said intersection also being the POINT OF BEGINNING of the herein described parcel: thence North 10°41'25" East, a distance of 265.00 feet; thence North 52°36'46" East, a distance of 65.86 feet; thence South 82°23'14" East, a distance of 133.92 feet; thence North 00°41'25" East, a distance of 182.70 feet; thence North 52°36'46" East, a distance of 30.00 feet; thence North 69°21'27" East, a distance of 84.63 feet; thence North 25°00'00" West, a distance of 15.00 feet; thence North 65°00'00" East, a distance of 77.71 feet to the Point of Curvature of a circular curve, concave to the South, having a radius of 150.00 feet and a central angle of 50°00'00"; thence Northeasterly and Southeasterly along the arc of said curve, an arc distance of 130.90 feet to the Point of Tangency; thence South 65°00'00" East, a distance of 41.07 feet to the Point of Curvature of a circular curve, concave to the Southwest, having a radius of 235.40 feet and a central angle of 66°00'00"; thence Southeasterly along the arc of said curve, an arc distance of 271.16 feet to the Point of Reverse Curvature of a circular curve, concave to the Northeast, having a radius of 100.00 feet and a central angle of 55°05'46"; thence Southeasterly along the arc of said curve, an arc distance of 96.16 feet to the Point of Tangency; thence South 54°05'46" East, a distance of 74.55 feet to a point of intersection with a non-tangent circular curve, concave to the Southeast, having a radius of 180.00 feet, a central angle of 02°09'10" and whose radius point bears South 87°19'16" East from said intersection: thence Southwesterly along the arc of said curve, an arc distance of 6.76 feet to the Point of Reverse Curvature of a circular curve, concave to the Northwest, having a radius of 50.00 feet and a central angle of 36°41'17"; thence Southwesterly along the arc of said curve, an arc distance of 32.02 feet to the Point of Compound Curvature of a circular curve, concave to the Northwest, having a radius of 1,560.00 feet and a central angle of 04°55'25"; thence Southwesterly along the arc of said curve, an arc distance of 134.06 feet to the Point of Compound Curvature of a circular curve, concave to the Northwest, having a radius of 440.99 feet and a central angle of 63°00'00"; thence Southwesterly and Northwesterly along the arc of said curve, an arc distance of 484.89 feet to the Point of Tangency: thence North 74°51'43" West, a distance of 205.15 feet to the Point of Curvature of a circular curve, concave to the Southwest, having a radius of 2,040.00 feet and a central angle of 02°00'00"; thence Northwesterly along the arc of said curve, an arc distance of 71.21 feet to the said POINT OF BEGINNING.

Containing 8.0373 Acres more or less.

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

Bearings based on the Sectional breakdown data of Section 13, Township 47 South, Range 41 East, as supplied by Palm Beach County Survey Department, using a bearing of North 00°54'39" West along the East line of said Section.

Subject to easements and restrictions of record.

EXHIBIT B
VICINITY SKETCH

