

9. PUBLIC HEARINGS (CONT'D):Larry BuchananA. Duane K. Luce & Co.; zoning
change from A-1A to M-1.

Mr. Luce will continue to operate the farming business at the site until three years from the closing date of the contract with Stuart News. The newspaper may utilize a portion of the property, but does not contemplate any significant use for about three years. This zoning change has been before the P&Z Commission and was approved.

Commissioner Hurchalla inquired of Mr. Schenk as to the amount of right-of-way along Palm Beach Rd. Mr. Schenk advised it appeared to be 66'.

Mr. Schenk stated that a portion of this property is already M-1 and the request is for the balance which is A-1A to be changed to M-1. This is in line with the Comprehensive Plan for this area. Mr. Luce has been advised that if the change is granted, the farming use would be non-conforming and that in the event that during this three year period the agricultural use ceased, he would have to appear before the Board of Zoning Adjustment before starting again. Staff recommends the approval of the zoning change.

Mr. Buchanan further answered Commissioner Hurchalla's inquiry about the right-of-way, advising that the abstract indicates additional footage granted to the DOT on June 21, 1976. This is a metes and bounds description along Palm Beach Rd. and is recorded in OR Book 406, Page 1525.

Chairman Higgins advised there would be a second public hearing to consider this matter.

Ransom TiltonB. Requests special exception
to the zoning regulations to
allow a private tennis club in
R-2 Zoning district. Britt Rd.
at Martin/St. Lucie county line.

Mr. Tilton stated he was representing Heiko Voges. The reason for the presentation is that there is no zoning classification for a private tennis club. The proposed development is at the end of Britt Rd. adjacent to Beau Rivage and the St. Lucie County line.

Mr. Schenk advised that staff had reviewed the project and could find no objection to the use for tennis courts. The applicant will construct paved roads, if this is this County's wish; otherwise staff would have legal problems as there is a contract for the sale of the three acres on which the courts will be built. This is in fact part of a 15 acre tract belonging presently to Marshall Evans. There is no way legally to remove the three acres from the 15 without lot-splitting or subdividing unless it is done on a paved road. It is also recommended the lights are shielded to protect the residents in Beau Rivage. Mr. Schenk stated most of the area is below the 5' elevation and the eastern one-third of the 3 acres is part of the land designated in the Comprehensive plan as conservation.

Del Bond stated that he walked the three acres with a representative from the DER three weeks ago, and it was the opinion of the DER that the land was usable with permits. Commissioner Hurchalla felt the Corps of Engineers had more jurisdiction in this area than the DER under the expansion of the 404 jurisdiction in wetlands.

9. PUBLIC HEARINGS (CONT'D):B. Special Exception for Tennis Courts.

Mr. John Carl, Chairman of the Beau Rivage Property Owners' Assoc., asked that the rights of future property owners to the West be protected, steps be taken to reduce the noise factor and annoyance from flood lights.

The matter of the right-of-way containing Australian Pines as a buffer between the courts and adjacent homes was discussed. The right-of-way is in St. Lucie County. Also discussed was the elevation of the land both in and out of the conservation area. Mr. Tilton stated Mr. Voges has contracted to purchase the high land. Mr. Schenk pointed out the easterly 1/4 to 1/3 of the property being discussed is in the conservation zone.

Commissioner Wachua moved approval of the special exception with the agreement to a paved road and shields on the lights. Commissioner Holt seconded the motion. Commissioner Hurchalla asked that the question of the buffer zone be worked out with St. Lucie County.

Commissioner Hurchalla stated her opposition to the approval was based on her feeling that you could not raise up and fill an area marked conservation zone in the Master Plan without violating the plan. She would like to have seen soil studies showing exactly what is there that are available. She objected to no guarantee for the buffer.

Chairman Higgins called the question. Motion Carried 4-1. Commissioner Hurchalla...NO.

EXHIBIT #6

10. REQUESTS AND PRESENTATIONS (CONT'D):Robert ShapiroB. Miles Grant; requests revision to planned concept.

Mr. Shapiro, representing Coral Ridge Properties, Inc., told the Board they wish to revise the planned concept for Phase 5 from 218 condominium units to 35 single residence lots of approximately 5,000+ sq. ft. These would be for construction of villa type homes, the owners of which would have the same rights to the recreational facilities as the condominium residents. There would be a home owners' association with a covenantal form of membership in order to have a vehicle for the operation of the land.

Commissioner Hurchalla felt this change would necessitate a PUD development in order not to violate the County's zoning laws by selling lots smaller than the required single family lots.

Mr. Shapiro argued that Miles Grant has site plan approval which was granted prior to the PUD ordinance. To convert now would waste time and money which would have to be passed on to the consumer. He felt the Board had the same control with the site plan approval as it would have with a PUD. Commissioner Hurchalla stated the attorney for Coral Ridge had previously informed the Board they did not have these controls. Mr. Shapiro replied; "the procedure may require that we go through some legal gymnastics of the type that you are suggesting. Another way of doing it would be to sever this property and go through an ordinary site plan ultimately leading to a plat. Ultimately what we do is create an expense which gets passed on to the public. Now if there is something to be accomplished by that other than merely meeting the niceties of an existing fabric of law I would be the first one to say let's do it."

272525

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER 77-4.1

[REGARDING SPECIAL EXCEPTION FOR HEIKO VOGES AND INGEBOG
VOGES TO CONSTRUCT A PRIVATE TENNIS CLUB]

WHEREAS, this Board has made the following determinations of fact:

1. Pursuant to Section 33-30, Code of Laws and Ordinances of Martin County, Florida, Heiko and Ingeborg Voges have applied to this Board for a special exception to permit the construction of a private tennis club on the following described real property located in Martin County, Florida:

Beginning at the Southwest corner of Section 19, Township 37 South, Range 41 East, thence run North on the West line of Section 19, Township 37 South, Range 41 East, a distance of 758 feet to the point of beginning; thence run East parallel with South section line a distance of 300 feet; thence run South parallel with the West section line a distance of 436 feet; thence run West parallel with the South section line a distance of 300 feet; thence run North parallel to the West section line a distance of 436 feet to the point of beginning, Martin County, Florida.

2. Pursuant to the notice of hearing and affidavit of publication thereof attached hereto as Exhibit "A", this Board held a public hearing on this application on the 5th day of April, 1977; and,

3. At such public hearing, all interested parties were given an opportunity to be heard for or against the granting of this special exception; and,

4. The granting of this special exception will not be detrimental to the public safety, health or welfare, or be injurious to other property or improvements in the area in which this property is located; and,

5. The use requested is compatible and harmonious with the uses allowed in the district; and,

6. All conditions precedent to the granting of this

O R BOOK 419 PAGE 2147

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EXHIBIT # 6-1

special exception have been met;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

The application of Heiko and Ingeborg Voges for a special exception to allow the construction of a private tennis club on the above described property is hereby granted subject to the following conditions:

1. That the lights be shielded.
2. That the road to the club be paved.

DULY PASSED AND ADOPTED THIS 5TH DAY OF APRIL,

1977.

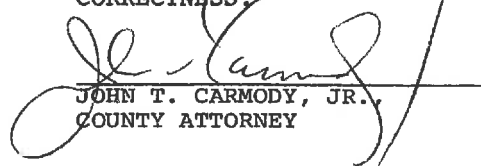
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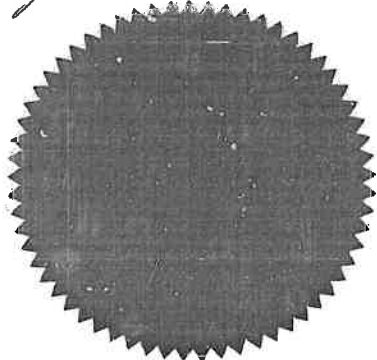
BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA


LOUISE V. ISAACS, CLERK

BY: 
THOMAS J. HIGGINS,
CHAIRMAN

APPROVED AS TO FORM AND
CORRECTNESS:


JOHN T. CARMODY, JR.,
COUNTY ATTORNEY



BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

NOTICE OF PUBLIC HEARING

MATTER: Application of Heiko & Ingeborg Voges
for a Special Exception to Sec. 33-30 of the Martin
County Code of Laws and Ordinances on the following
property: for the purpose of a private tennis club

LEGAL DESCRIPTION:

Beginning at the Southwest corner of Section 19, Township
37 South, Range 41 East, thence run North on the West line
of Section 19, Township 37 South, Range 41 East, a distance
of 758 feet to the point of beginning; thence run East
parallel with South section line a distance of 300 feet;
thence run South parallel with the West section line a
distance of 436 feet; thence run West parallel with the South
section line a distance of 300 feet; thence run North parallel

STREET ADDRESS OR LOCATION: to the West section line a
distance of 436 feet to the
point of beginning, Martin
County, Florida
Off Britt Road, Stuart, FL

TIME AND DATE: 9:00 A.M., on April 5, 1977.

or as soon after such time as the matter may be heard.

PLACE: Martin County Administrative Center, 50 Kindred Street,
Stuart, Florida, 33494.

Interested parties are invited to attend and be heard.
Written comments may be sent to County Commission Chairman,
Post Office Box 626, Stuart, Florida, 33494.

THIS NOTICE DATED THIS 18 DAY OF March, 1977.

BY: Kris Schenk
Kris Schenk, Director
of Planning and Zoning

PUBLISH Stuart News

DATE: 3/26/77
22

EXHIBIT "A"

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EXHIBIT # 6-3

The Stuart News

Established as the Stuart Times, April 18, 1913

STUART, MARTIN COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MARTIN

Before the undersigned authority appeared Thomas E. Weber, Jr.
who on oath says that he is Editor of the Stuart News, a daily newspaper
published at Stuart in Martin County, Florida, that the attached copy of advertisement, being a
Notice of Public Hearing
in the matter of Application of Heiko & Ingeborg Voges

in the Court, was published in said newspaper in
the issues of March 23, 1977

Affiant further says that the said The Stuart News is a newspaper published at Stuart, in said
Martin County, Florida and that the said newspaper has heretofore been continuously published in
said Martin County, Florida, each week and has been entered as second class matter at the post office
in Stuart in said County, Florida, for a period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that he has neither paid nor promised any
person, firm or corporation any discount, rebate, commission or refund for the purpose of securing
this advertisement for publication in the said newspaper.

Sworn to and subscribed before me
this day of
A.D. 1977
[SEAL] NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 6 1979
BONDED THRU GENERAL INSURANCE UNDERWRITERS

LEGAL ADVERTISEMENT

BEFORE THE BOARD OF
COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

NOTICE OF PUBLIC HEARING

MATTER: Application of
Heiko & Ingeborg Voges for a
Special Exception to Sec. 33.30 of
the Martin County Code of Laws
and Ordinances on the following
property for the purpose of a
private tennis club.

LEGAL DESCRIPTION:

Beginning at the Southwest
corner of Section 19,
Township 37 South, Range 41
East, thence run North on
the West line of Section 19,
Township 37 South, Range 41
East, a distance of 750 feet to
the point of beginning;
thence run East parallel with
South section line a distance
of 300 feet, thence run South
parallel with the West
section line a distance of 436
feet, thence run West
parallel with the South
section line a distance of 300
feet, thence run North
parallel to the West section
line a distance of 436 feet to
the point of beginning,
Martin County, Florida.

**STREET ADDRESS OR
LOCATION:** ON Britt Road,
Stuart, Fla.

TIME AND DATE: 9:00 A.M.,
on April 5, 1977 or as soon after
such time as the matter may be
heard.

PLACE: Martin County
Administrative Center, 50
Kinross Street, Stuart, Florida,
33494.

Interested parties are invited
to attend and be heard. Written
comments may be sent to County
Commission Chairman, Post
Office Box 626, Stuart, Florida
33494.

**THIS NOTICE DATED THIS
18 DAY OF March, 1977.**

BY: Kris Schenk
Director of
Planning and Zoning

Pub: March 23, 1977

SN No. 52

FILED IN RECORD
MARTIN COUNTY, FLA.

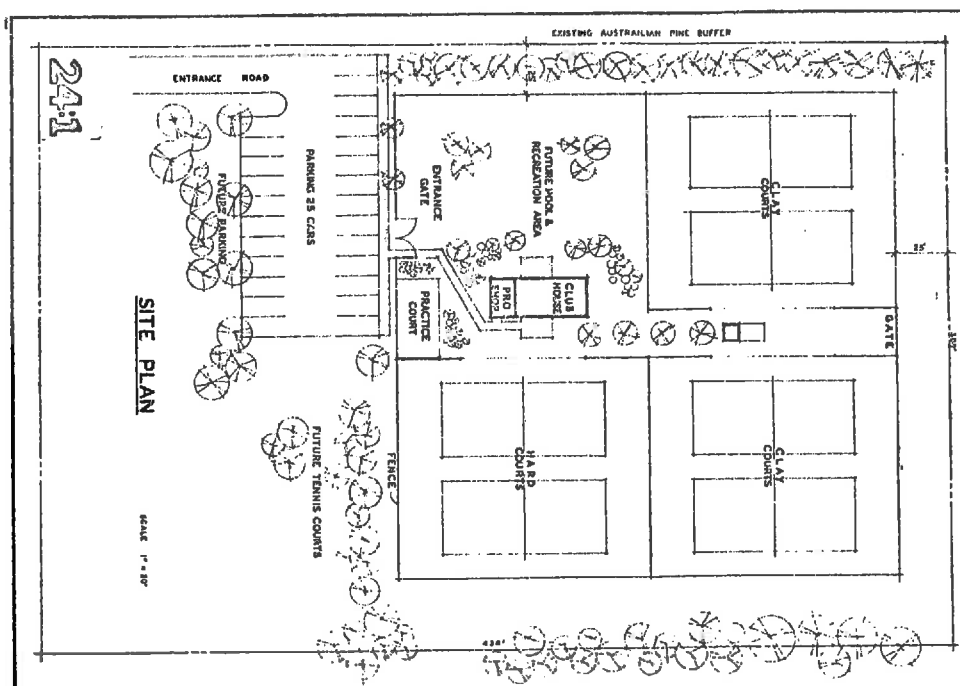
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CLERK OF COURT
D. Hampton

BOOK 419 PAGE 2150

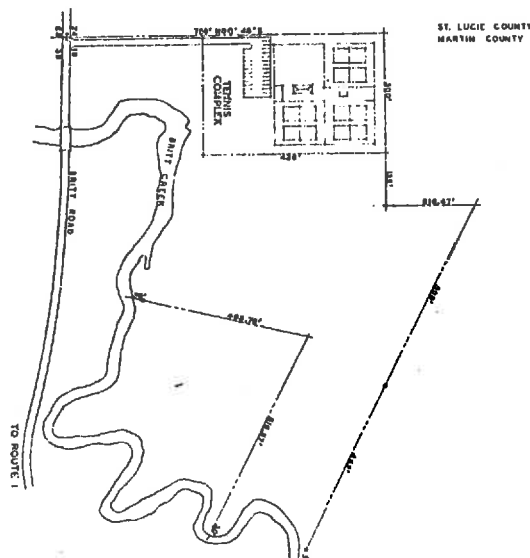
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EXHIBIT # 6-4



LOCATION MAP

SCALE 1" = 80'



ST. LUCIE COUNTY
HARTIN COUNTY

SHEET

RECEIVED
JUN 17
1965

BRITT ARCHITECTS & PLANNERS

**PRELIMINARY DEVELOPMENT PLAN
NORTH RIVER SHORES TENNIS CLUB INC.**

DATE 5-30-77

JOB NO 105

1 OF 1



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ENCLOSURE 6A

4/5 03