

RESOLUTION NO. R-85-321

RESOLUTION APPROVING ZONING PETITION **84-170**, 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. **84-170** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the **29th** of November **1984**; 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. The proposal is 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 **29th** of November **1984**, that Petition No. **84-170** the petition of JOHN MERCURIO AND VINCENT MERCURIO for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on all that certain parcel of land being more particularly described as follows:

Lots **1** and **2**, Block **1**, Laguna Park No. One, in Section **8**, Township **44** South, Range **43** East, as recorded in Plat Book **21**, Page **53**, being more particularly described as follows:

Commencing at the Southwest corner of Lot **2** in Block **1** of Laguna Park No. One as recorded in Plat Book **21**, Page **53**, said point being the point of beginning of the Tract of Land hereinafter described; thence run North **2** degrees **51'30"** West for a distance of **200.00** feet to a point; thence run East for a distance of **180.00** feet to a point;

thence run South 2 degrees 51'30" East for a distance of 200.00 feet to a point; thence run West for a distance of 180 feet to the point of Beginning. Excepting the right-of-way for Congress Avenue, as recorded in Official Record Book 1027, Page 550. Said property located on the northeast corner of the intersection of Congress Avenue (S.R.807) and Oak Drive was approved as amended subject to the following conditions:

1. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

2. The property owner shall convey for the ultimate right of way of Congress Avenue, 60 feet from centerline approximately an additional 10 within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

NOTE: This right of way is required due to utility pole relocations along Congress Avenue.

3. The developer shall be permitted only one turnout onto Oak Street per the County Engineer's approval.

4. The Developer shall be permitted only one turnout onto Congress Avenue per the County Engineer's approval.

5. The use of the site shall be restricted to a produce market.

6. The developer shall pay an impact fee of \$1,850.00 at the time of building permit issuance.

7. The developer shall add two (2) feet of pavement on the north side of Oak Street from congress Avenue to the last access drive, with the appropriate tapers, including overlay for this portion per the requirements of the Land Development Division Permit Section.

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

Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Karen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 19 1985 confirming action of the 29th of November 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Gagne  
County Attorney