

RESOLUTION NO. R-90- 2152

RESOLUTION DENYING THE SPECIAL EXCEPTION OF
ZONING PETITION NO. 90-22
PETITION OF SAMUEL AND CARMEN MERCADO

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 have been satisfied; and

WHEREAS, Petition No. 90-22 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the Zoning Code of Palm Beach County, Florida, Sections 102, 402.5 and 200.2 (Special Exception), 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is not consistent with the requirements of the Comprehensive Plan and local land development regulations.
2. This proposal is not consistent with the present and future development of the area and not an appropriate use in this location.
3. The proposed uses are too intense for the site.
4. The proliferation of gas and auto repair stations does not promote the health, safety and welfare of the citizens of Palm Beach County.
5. The environmental and noise impacts of the proposed uses are detrimental to the health and welfare of the surrounding residents and day care center.
6. Gas stations must be at the intersection of two (2) major arterials.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 90-22, the petition of SAMUEL AND CARMEN MERCADO, BY KIERAN J. KILDAY, AGENT for a SPECIAL EXCEPTION to permit a PLANNED COMMERCIAL DEVELOPMENT INCLUDING AUTO SERVICE STATION (WITH MAJOR REPAIRS) on a parcel of land known as Lots 1 and 2 and the North 6.00 feet of Lot 3, High Ridge Subdivision, recorded in Plat Book 22, Page 6, Less and not including: a parcel of land for road right-of-way purposes in Section 8, Township 45 South, Range 43 East, more

particularly described as follows: Begin at the Northeast corner of Lot 1, as shown on the Plat of High Ridge Subdivision, as recorded in Plat Book 22, Page 6; thence South 88 degrees 35'48" West, along the North line of said Lot 1, a distance of 288.81 feet to the Northwest corner of said Lot 1, (bearings are relative to the North line of said Section 8, being South 88 degrees 35'48" West); thence South 5 degrees 1'48" West, along the West line of said Lot 1, a distance of 15.16 feet to a point on a curve whose radius point bears South 1 degree 20'51" East, a distance of 5677.58 feet, said point being on the proposed right-of-way line of Hypoluxo Road, as shown on Palm Beach County Drawing No. 3-80-631 Right-of-way; thence Easterly, along the arc of said curve and said proposed right-of-way line through a central angle of 0 degrees 44'33", a distance of 73.58 feet; thence North 89 degrees 23'42" East, along said proposed right-of-way line, a distance of 189.81 feet; thence South 44 degrees 23'11" East, along said proposed right-of-way line, a distance of 36.10 feet to a point on the East line of said Lot 1; thence North 1 degree 49'55" East, along said East line, a distance of 44.73 feet to the Point of Beginning and being located on the SOUTHWEST CORNER OF THE INTERSECTION OF HYPOLUXO ROAD AND HIGH RIDGE ROAD in a RS-Single Family Residential Zoning District, was denied on May 2, 1990, with prejudice.

Commissioner Elmquist moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips, Vice Chair	--	Aye
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude F. Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of December, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Jina M. Black*
DEPUTY CLERK

