

RESOLUTION NO . R- 83-803

RESOLUTION APPROVING ZONING PETITION 83-50, 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. 83-50 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th April 1983; 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 Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposed Special Exception is permitted by and consistent with the provisions of the Comprehensive Plan and **Zoning Code**.
2. The proposal would not adversely impact the surrounding area provided this activity does not coincide with other activities at the Kennel Club.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of April, 1983, that Petition No. 83-50 the petition of INVESTMENT CORPORATION OF PALM BEACH By Arthur J. Laughlin, Agent, for a SPECIAL EXCEPTION TO ALLOW AN OPEN AIR FLEA MARKET on the East 1/4 of the Southeast 1/4; the East 1/4 of the West 1/2 of the East 1/2 of the Southeast 1/4; the East 50 feet of the West 3/4 of the West 1/2 of the East 1/2 of the Southeast 1/4; all in Section 30, Township 43 South, Range 43 East, Excepting therefrom the North 280 feet thereof conveyed in Deed Book 984, Page 634, ALSO excepting therefrom any portion of the lands included in the right-of-way of Belvedere Road, Congress Avenue and the Lake Worth Drainage District

Lateral Canal #2, and any other legal rights-of-way. Said property located on the northwest corner of the intersection of Belvedere Road and Congress Avenue in a CG-General Commercial District, was approved as advertised, subject to the following conditions:

1. The property owner shall convey to Palm Beach County within ninety (90) days of approval 54 feet from center-line for the ultimate right-of-way for Congress Avenue, approximately an additional 4 feet of right-of-way.
2. The developer shall construct non-mountable curb on both sides of the existing median opening, prior to the issuance of a Certificate of Occupancy.
2. The developer shall construct a left turn lane, east approach on Belvedere Road at the first existing median opening west of Congress Avenue, prior to the issuance of a Certificate of Occupancy.
4. The developer shall extend the existing left turn lane, east approach on Belvedere Road at it's intersection with Congress Avenue, per the County Engineer's approval.
5. The-developer shall overlay the existing right turn lane, north approach on Congress Avenue at the project's north entrance, per the County Engineer's approval.
6. The developer shall replace the Australian Pine hedge along **Belvedere** Road which was removed during the previous **four-**laning of Relvedere Road.
7. The developer shall contribute Thirty One Thousand Five Hundred and Sixty One Dollars (**\$31,561.00**) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid prior to the issuance of a Certificate of Occupancy. Credit for the impact fee based upon a certified cost estimate per the County Engineer's approval shall be applied toward condition Numbers 2, 3, 4 as stated above and the cost of replacing the landscape hedge along Belvedere Road which was removed by the four-laning of Belvedere Road.
8. The developer shall employ traffic control personnel during the hours of operation of the flea market.
9. Flea Market operation shall be limited to Wednesday and Sunday between the hours of 7 a.m - 3:00 p.m.

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

Peggy E. Evatt, Chairman	- AYE
Ken Spillias, Vice Chairman	- AYE
Dennis P. Koehler, Member	- AYE
Dorothy Wilken, Member	- ABSENT
Bill Bailey, Member	- AYE

The foregoing resolution was declared duly passed and adopted this **19th** day of **July**, **1983**, confirming action of 28th April 1983.