

RESOLUTION NO. R- 83-23

RESOLUTION APPROVING ZONING PETITION 82-79, 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. 82-79 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1 July 1982 ; 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 would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 1st day of July, 1.982 , that Petition NO. 82-79 the petition of MICHAEL E. BOTOS, TRUSTEE, by Warren H. Newell, Agent, for a SPECIAL EXCEPTION TO ALLOW AN AUTO PAINT AND BODY SHOP, AUTO SERVICE STATION, CAR WASH, COMMERCIAL NEW AND USED AUTOMOBILE AND TRUCK SALES, REPAIR FACILITIES AND LOT on Lots 12-23 inclusive, Block 3, less the West 76 feet thereof for road right-of-way; TOGETHER WITH all of Block 11, Less the East 2 feet of Lots 23-32 inclusive, of said Block 11, for road right-of-way; TOGETHER WITH the abandoned 10 foot alleys within said Block 11; TOGETHER WITH the abandoned 80 foot right-of-way known as Dixie Boulevard between the extended center line of the 50 foot right of way known as Avenue 'I' and the extended South line of Lot 11, Block 3; TOGETHER WITH

the abandoned East 1/2 of the 80 foot right-of-way known as Dixie Boulevard which lies adjacent to the North 1/2 of the 50 foot right of way known as Avenue 'H', Lots 8 and 9, Block 12; TOGETHER WITH Lots 8 and 9, Block 12; TOGETHER WITH so much of that Alley which is adjacent to and lying East of Lots 8 and 9, Block 12; TOGETHER WITH Lots 10-21 inclusive, Block 12; TOGETHER WITH so much of that Alley which is adjacent to and lying West of Lots 22 through 25 and the South 1/2 of the Lot 26 inclusive, Block 12; TOGETHER WITH Lots 22 through 25 and the South 1/2 of the Lot 26 inclusive, Block 12, less the East 2 feet thereof for road right-of-way; TOGETHER WITH so much of the 50 foot right-of-way known as Avenue 'H' as lies between the East right-of-way line of the 80 foot right-of-way known as Dixie Blvd. and the West right-of-way line of the 80 foot right-of-way known as Del-Raton Blvd.; and TOGETHER WITH the abandoned North 1/2 of the 50 foot right-of-way known as Avenue 'I' which lies adjacent to Block 11, in Section 29, Township 46 South, Range 43 East, all according to the Plat of Del-Raton Park as recorded in Plat Book 14, page 10. Said property located on the west side of U.S. No. 1, approximately 100 feet south of La-Mat Avenue in a CG-General Commercial District, was approved as advertised subject to the following special conditions:

1. Developer shall amend the site plan as follows:
 - a. The parking and vehicular uses and landscape strip shall be located outside the ultimate right-of-way for U. S . 1.
 - b. The pump islands shall meet stacking requirements.
 - c. One additional handicapped parking space shall be provided for.
2. Developer shall convey to Palm Beach County within 90 days of Special Exception approval:
 - a. 60 feet from centerline for the ultimate right-of-way for U.S. 1.
 - b. 80 feet east of the east right-of-way of the FEC Railroad for the ultimate right-of-way for Old Dixie Highway.
3. Developer shall only be permitted one median opening on U. S . 1 at the project's south entrance .
4. Developer shall construct prior to the issuance of a Certificate of Occupancy:
 - a. Left turn lane, south approach at the project's south entrance and U.S.1.
 - b. Left turn lane, north approach, on Old Dixie Highway and the project's entrance road.
5. Developer shall construct on U.S.1 at the project's north entrance, non-mountable curb on both sides of the median a distance of fifty (50) feet, a total of 100 feet.

6. The right-of-way for Avenue "H" within the project's limit shall be abandoned prior to Site Plan approval.
7. Developer shall contribute Twenty-Nine Thousand One Hundred Dollars (\$29,100.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of issuance of the building permit(s).
8. Developer shall take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
9. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby waters.
10. The hours of operation shall be limited to 7:00 A.M. to 6:00 P.M. for automobile repair and 8:00 A.M. to 9:00 P.M. for automobile sales.
11. The developer shall install a six (6) foot wall around perimeter of property abutting residential development.
12. The automobile repair facility and the paint booths shall be relocated to a more centralized area on the site.

Commissioner Koehler , moved for approval of the petition.

The motion was seconded by Commissioner Bailey , and upon being

put to a vote, the vote was as follows :

Norman Gregory, Chairman	Absent
Peggy Evatt, Vice Chairman	Aye
Bill Bailey, Member	Aye
Dennis Koehler, Member	Aye
Frank Foster , Member	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of January, 1983 , confirming action of 1 July 1982.

PALM BEACH COUNTY , FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Kathleen Jinkles
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Coates
County Attorney