

RESOLUTION NO. R- 84-1114

RESOLUTION APPROVING ZONING PETITION 84-37, 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. 64-37 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29th March 1964; 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 proposed Special Exception is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day March 1984, that Petition No. 84-37 the petition of WILLIAM A. CHAMBERLAIN, by Beril Kruger, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, RECREATIONAL VEHICLE, SALE AND RENTAL F I N D REPAIR FACILITIES AND L O T , INCLUDING F I N AUTO PAINT AND BODY SHOP on Lots 10 thru 21 inclusive; Lots 22 thru 25 inclusive, less the East 2.00 feet; South 1/2 of Lot 26, less the East 12.00 feet, Block 13, Del Raton Park, in Section 29, Township 46 South, Range 43 East, as recorded in Plat Book 14, Page 9, Delray Beach, together with; that portion of the alley abutting Lots 21, 22, 23, 24, 25 and the South 1/2 of Lots 26, Block 13, and the East 1/2 of that portion of the

alley abutting Lots 6, 7, 8, 9, 10, and the South 1/2 of Lot 5, Block 13, Del Raton Park, Plat Book 14, Page 3, Delray Beach, abandoned alleys as recorded in Official Record Book 2365, Pages 1779 thru 1782, November 23, 1978, together with;

Lots 31 thru 42, inclusive, Lots 27 thru 38, inclusive, less the East 2.88 feet; North 1/2 of Lot 26, less the East 2.00 feet; Block 13, Del Raton Park, Plat Book 14, Page 9, Delray Beach, together with;

that portion of the alley abutting the North 1/2 of Lot 26 and Lots 27, 28, 29 and 30, Block 13 and the East 1/2 of that portion of the alley abutting Lot 42, Block 13, Del Raton Park, Plat Book 14, Page 9, Delray Beach. Said property located on the southwest corner of the intersection of U. S. Highway No. 1 (S. R. 5) and Avenue G, being bounded on the south by La-Mat Avenue, approximately .6 mile south of Linton Boulevard in a CG-General Commercial District was approved as advertised subject to the following conditions:

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

2. The developer shall construct concurrent with a paving and drainage permit issued from the Office of the County Engineer, Avenue "G" from the present paved terminus west of U. S. 1, west to the project's west property line.

3. The developer shall contribute Six Thousand Seven Hundred & Eighty Dollars (\$6,788.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Euiding Permit.

4. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

5. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.

6. The primary use of this property shall be a new car dealership. Auto paint and body work is not permitted on the premises.

7. Along the western boundary of the site,, a six foot fence shall be provided, supplemented by canopy trees planted twenty (20) feet on center. Along that portion of the western property line adjacent to the swimming pool on the neighboring property (the Wensing Property), a six (5) foot high wooden fence shall be provided.

8. Hours of operation shall be limited to the hours between 6:00 A.M. to 9:30 P.M.

3. Test-driving of vehicles shall be permitted on LaMat Avenue.

- 10. No more than 3 entrances shall be permitted on LaMat Avenue.
- 11. All unloading of transport trucks shall occur on site and not on any street .
- 12. Lighting shall be directed inward to the property and shall not be a nuisance to the neighbors.
- 13. Intercom shall operate at a low level and shall be turned off at 6:00 P.M.

Commissioner Evatt , moved for approval of the pet it ion.

The mot ion was seconded by Commi ssi oner Koehler ,
and upon being put to a vote, the vote was as follows:

Ken Spi 11 ias, Chairman	-- AYE
Dorot hy W i 1 kens, Vice Chai rman	-- AYE
Peggy Evat t, Member	-- AYE
Dennis P. Koehler, Member	- - AYE
Bi 11 Eai ley, Member	- - ABSENT

The foregoing resolut ion was declared duly passed and adopted this 14th day of Aug. , 1984 , confirming action of 23th March 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Graham Frederick*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Charles H. ...
County Attorney