

## RESOLUTION NO. R-88- 1537

RESOLUTION APPROVING ZONING PETITION NO. 82-79(A)  
SPECIAL EXCEPTION PETITION OF WILLIAM A. CHAMBERLAIN

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(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 27, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 82-79(A) the petition of WILLIAM A. CHAMBERLAIN, for a SPECIAL EXCEPTION TO SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR AN AUTO PAINT AND BODY SHOP, AUTO SERVICE STATION, CAR WASH, COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, SALES, REPAIR FACILITIES AND LOT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-79 ON JULY 2, 1982 TO (1) ABANDON THE SPECIAL EXCEPTION FOR AN AUTO PAINT AND BODY SHOP, (2) ABANDON THE SPECIAL EXCEPTION FOR AN AUTO SERVICE STATION, (3) DELETE THE CAR WASH, (4) INCREASE THE BUILDING SQUARE FOOTAGE, (5) INCREASE THE LAND AREA BY 2.4 ACRES, AND (6) REDESIGN THE SITE on a parcel of land lying on Lots 12 through 23, inclusive, Block 3, Del-Raton Park, LESS the West 50 feet thereof for road Right-of-Way; together with all of Block 11, Del-Raton Park, LESS the East 20 feet of Lots 23 through 32, inclusive for road right; in Section 29, Township 46

South, Range 43 East as recorded in Plat Book 14; Pages 9 and 10, Together with that portion of the abandoned 80 foot Right-of-Way known as Dixie Boulevard as lies between the extended South Right-of-Way line of the 50 foot Right-of-Way known as Avenue "H" and the extended centerline of the 50 foot Right-of-Way known as Avenue "I", together with the North 25 feet of said Avenue "I" running East and West of the South limit of said real property, all as shown on the Plat of Del-Raton Park as recorded in Plat Book 14, Pages 9 and 10; and in addition certain alleys (a) immediately West of Lots 44 and 11, Block 11, Del-Raton Park; and (b) immediately East of lots 33 and 22, Block 11, Del-Raton Park, insofar as said alleys are South of Avenue "H" and North of Avenue "I" in Plat Book 14, Pages 9 and 10, LESS the East 20 feet of the North 25 feet of abandoned Avenue "I" 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 of the 80 foot Right-of-Way known as Dixie Boulevard and the West Right-of-Way line of the 80 foot Right-of-Way known as Del-Raton Boulevard, all being within the Plat of Del-Raton Park as recorded in Plat Book 14, Page 10 Excepting therefrom the East 20 feet for road Right-of-Way. TOGETHER WITH so much of the 80 foot Right-of-Way known as Dixie Boulevard as lies between the extended South Right-of-Way line of the 50 foot Right-of-Way known as Avenue "H" and the extended South line of Lot 11, Block 3, all within the Plat of Del-Raton Park as recorded in Plat Book 14, Page 10. TOGETHER WITH

PARCEL 1:

Lots 1 through 7 inclusive, Block 3 and West 40 feet of Dixie Boulevard lying East of and adjacent thereto.

PARCEL 2:

The West 1/2 of Lots 1 through 7, inclusive, Block 12 and the East 40 feet of Dixie Boulevard, lying West of and adjacent thereto.

PARCEL 3:

Lots 8 and 9, Block 12 and the East 40 feet of Dixie Boulevard, lying West of and adjacent thereto and the North 1/2 of abandoned Avenue "H", adjacent thereto and the entire abandoned alley adjacent thereto.

PARCEL 4:

Lots 10 through 21, inclusive, Block 12 and the North 1/2 of abandoned Avenue "H" adjacent thereto and the entire abandoned alley adjacent to Lot 21.

PARCEL 5:

Lots 22, 23, 24, 25, and South 1/2 of Lot 26, LESS the East 20 feet, the North 1/2 of Lot 26, Lots 27, 28, 29 and 30, LESS the East 2 feet, Block 12, and North 1/2 of abandoned Avenue "H" adjacent thereto.

PARCEL 6:  
Lots 31 through 42, inclusive, Block 12.

PARCEL 7:  
East 1/2 of Lots 1, 2, 3, Block 12, of Del-Raton Park.

PARCEL 8:  
East 1/2 of Lots 4, 5, 6 and 7, Block 12 of Del-Raton Park.

All in Del-Raton Park, Plat Book 14, Page 9 and 10. The property is located on the southwest corner of the intersection of U.S. Highway No. 1 (SR 5) and La-Mat Avenue. It is bounded on the west by Dixie Highway in a CG-General Commercial Zoning District, was approved, subject to the following conditions:

1. Petitioner shall comply with all previously imposed conditions of Petition No. 82-79 unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a. The required handicapped spaces.
  - b. The required tree in each terminal island.
  - c. The required minimum tree planting requirement.
  - d. Safe corner distances.
  - e. Access dimensions to be labeled.
  - f. A minimum side interior setback for proposed truck sales structure of fifteen (15) feet.
  - g. Required curbing and wheelstops for proposed parking stalls.
  - h. Label the various designated parking areas, location of directions and signage.
  - i. Dimension the stacking lanes for the service bays.
3. There shall not be outside storage of disassembled vehicles or parts thereof.
4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
5. Vehicle parking shall be limited to the parking spaces designated on the approved site plan.

6. No outdoor loudspeaker system shall be permitted on site.
7. Only vehicles intended for sale which are in running condition shall be stored or displayed on site.
8. If a Specialized Vehicular Use Area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, mountable curb, removable bollards or other suitable barrier approved by the Zoning Division.
9. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
10. The developer shall design the drainage system such that stormwater runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
11. The property owner shall convey for the ultimate right-of-way of:
  - a) La-Mat Avenue, a dimension to be approved by the County Engineer not to exceed 40 feet from centerline (approximately an additional 10 feet)
  - b) Old Dixie Highway, 80 feet east of the existing west right of way line for Old Dixie Highwayall within ninety (90) days of the approval of the Resolution approving this project.
12. The property owner shall construct:
  - a) La-Mat Avenue as a 3 lane section from Old Dixie Highway to U.S. 1 (minimum 36 feet collector road standards)
  - b) Left turn lane, north approach on Old Dixie Highway at La-Mat Avenue

c) Right turn lane on U.S. 1 at both project entrances

concurrent with onsite paving and drainage improvements.

13. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$60,277.00 (2,250 trips X \$26.79 per trip).
14. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$15,069.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$75,346.00 to be paid prior to the issuance of the first building permit or prior to December 1, 1987 whichever shall first occur.  
  
If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$15,069.00 shall be credited toward the increased Fair Share Fee.
15. Petitioner shall redesign the south entrance to allow for a minimum of thirty-five (35) feet in pavement width and a "clear area" of 125 feet of unobstructed (no parking, etc.), subject to approval by the County Engineer.
16. The property owner shall install signalization if warranted by the County Engineer at La-Mat Avenue and U.S. 1. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
17. Where proposed structures are to be constructed which conflict with existing recorded easements and rights-of-ways these shall be abandoned prior to certification of the site plan.
18. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.
19. Because sewer service is available at the site, no septic tank shall be installed on the site.

20. Because public water service is available at the site, no well shall be installed to provide potable water on site.
21. No off-premises signs shall be erected on the site.
22. Hedges shall be installed in all perimeter landscape buffers. Hedges shall be a minimum of three (3) feet in height upon planting.
23. Accessory uses:
  - a. Repair facilities, sales of parts, and paint and body shops may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least 100 feet from any residentially zoned lot. Service bay doors shall not be oriented toward any adjacent residentially zoned property, except where currently existing, or oriented toward any adjacent public street, unless it can be demonstrated to the Site Plan Review Committee that it is not feasible to comply.
  - b. Accessory fuel pump islands and automated wash facilities for vehicles are permitted, provided they are not open to the public, not located within 100 feet from any residentially zoned property, and located within a completely enclosed building (or in the case of a fuel pump island, located within an enclosed area where it is not visible off premises).
24. General restrictions on use:
  - a. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway. Loading or unloading of vehicles shall not be permitted within any road rights-of-way.
  - b. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code.

- c. Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles and for loading and deliveries shall be located to the rear of buildings and shall be located so as to contain noise on-site. These areas shall not be located closer than 100 feet from any residentially zoned lot, and shall be appropriately designated, marked and signed.
  - d. Exterior lighting shall not exceed 25 feet in height, shall be directed away from adjacent properties and shall be sharp cut-off, luminaire, shall confine light to the site only, and shall not exceed, when measured 10 feet inside any property line, the following illumination:
    - 1. 100 foot candles within display areas; and
    - 2. 40 foot candles within all other areas.
    - 3. After 11:00 P.M., the same measurement shall be as follows:
      - i. 50 foot candles within display areas; and
      - ii. 40 foot candles within all other areas.
25. Prior to site plan certification, an irrevocable agreement or permit for the provision of water service to the entire site shall be entered into between the city of Delray Beach and the petitioner. Evidence of such agreement shall be provided to the Zoning Director. If it is conclusively demonstrated that Delray Beach presently provides, and must continue to provide, water service to the entire site, plan certification shall not be withheld for the reason of lack of water service to the site.
26. Petitioner's staff shall not test drive vehicles on exclusively residential streets in the vicinity.
27. Petitioner voluntarily agrees to apply for annexation of the entire site upon the issuance of the first building permit for the site.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Nay
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of August 27, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
\_\_\_\_\_  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:

  
\_\_\_\_\_  
DEPUTY CLERK

