EXHIBIT B

RESOLUTION NO. 22-53

A RESOLUTION APPROVING THE REQUEST OF XTREME CAR CENTER, INC., TO OBTAIN A SPECIAL EXCEPTION WITH CONDITIONS FOR AUTOMOBILE SALES AND MINOR AUTOMOTIVE REPAIR ON APPROXIMATELY 1.24 ACRES ZONED GENERAL RETAIL COMMERCIAL (CC) LOCATED AT 217 DUNDEE ROAD, FURTHER DESCRIBED AS PARCEL IDENTIFICATION NUMBER 272828-844000-005020; PROVIDING FOR TIMING; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY FURTHER ACTION(S) WITH REGARD TO THE CONDITIONS OF APPROVAL INCLUDING, BUT NOT LIMITED TO, NEGOTIATING AND ENTERING INTO A DEVELOPER'S AGREEMENT ON BEHALF OF THE TOWN OF DUNDEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Xtreme Car Center, Inc. (the "Applicant"), an active Florida corporation, owns the property located at 217 Dundee Road (as shown in Exhibit "A"); and

WHEREAS, pursuant to 7.05.02 of the Town of Dundee Land Development Code (LDC) and applicable Florida law, the Applicant has submitted an application and a site plan for a Special Exception for automobile sales and minor automotive repair for approval by the Town Commission of the Town of Dundee

WHEREAS, the property has a Town of Dundee zoning designation of General Retail Commercial (CC); and

WHEREAS, the General Retail Commercial (CC) Zoning district permits automobile sales by right with an approved Special Exception; and

WHEREAS, the General Retail Commercial (CC) Zoning district permits minor automotive repair by right with an approved Special Exception; and

WHEREAS, the application for automobile sales and minor automotive repair as presented by the Applicant meets all requirements of Section 3.07.00 of the Town of Dundee Unified Land Development Code; and

WHEREAS, on December 15, 2022, in accordance with Section 163.3174, Florida Statutes, and applicable law, the Town's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting considered the Applicant's request for special exception as set forth in this Ordinance

which included, but is not limited to, testimony and argument(s) from interested and/or aggrieved parties; and

WHEREAS, on December 15, 2022, the interested and/or aggrieved parties and citizens in attendance were provided with an opportunity to be heard and present testimony to the Town's Planning and Zoning Board; and

WHEREAS, on December 15, 2022, after considering all the facts and testimony presented by the Town, interested and/or aggrieved parties, and citizens in attendance, the Town's Planning and Zoning Board voted to recommend approval of the Applicant's request for the special exception with conditions as set forth in this Resolution to the Town Commission; and

WHEREAS, the Town Commission has reviewed the Special Exception application, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law; and

WHEREAS, the special exception approval shall be in keeping with the approved site plan (see Exhibit B) and Section 7.05.02(E) of the Dundee Unified Land Development Code, which allows for the conditioning of Special Exceptions.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. **Special Exception.** The Special Exception application for automobile sales and minor automotive repair located at 217 Dundee Road (see Exhibit "A" – aerial photo map of location) is approved and shall conform to the site plan (see Exhibit "B"- the proposed site development plan). Provided further, in accordance with Section 7.05.02(E) of the Town of Dundee Unified Land Development Code, the following conditions and safeguards shall be imposed on the grant this special exception and site plan (see Exhibit "B"), as follows:

1. Completion of a transportation analysis.

2. A signed Concurrency Developer's Agreement and a Water Supply Allocation Agreement.

3. A knee wall and/or wrought iron fence be installed on the portion of property facing Dundee Road.

4. All repair work shall occur inside the building (see attached Exhibit "B");

5. No repair work may occur between 7:00 pm and 8:00 am.

6. No parking shall be permitted on any unpaved portion of the property located at 217 Dundee Road (see attached Exhibit "A");

7. The Applicant will work with staff to ensure the building design meets and complies with the intent of the Dundee Vision Plan which includes, but shall not be limited to, building aesthetics; and

8. The requirement that a special exception begin to serve the purpose for which it was granted permission within 180 days from the date of approval is extended to 12 months to permit the applicant time to complete site plan approval, construction plan approval, and construction.

9. Notwithstanding other applicable provisions of the Town of Dundee Land Development Code, for purposes of this condition, the term(s) **Abandon/Abandonment** shall also mean the intentional and voluntary relinquishment of the approved use(s). The temporary cessation of the approved use(s) does not operate to effect an abandonment of the use(s). For purposes of this condition, "temporary cessation" means a temporary cessation of a use for a period of time not to exceed 120 consecutive days. In the event of discontinuance of a use for a period of time exceeding 120 consecutive days or a period of time totaling 180 calendar days within a calendar year, the use shall be deemed abandoned. An order of the Town of Dundee Code Enforcement Special Magistrate finding that the subject real property failed to strictly adhere to the condition(s) prescribed by Resolution 22-53 shall constitute an abandonment of the Special Exception.

10. 217 Dundee Road, Xtreme Car Center, Inc., the washing and detailing of cars are to be done on cars that are sold as part of the business of Xtreme Car Center, Inc. Car washing and detailing of cars for the public is not permitted.

Section 2. Timing. In accordance with Section 7.05.03, the special exception, as granted through this Resolution, shall expire if the special exception uses do not commence within twelve (12) months from the date of approval of this Resolution or if such uses are abandoned for a period greater than 180 days.

Section 3. Town Manager Authorization. The Town Commission of the Town of Dundee authorizes the Town Manager to take all necessary further actions with regard to the conditions of approval of this Resolution which includes, but shall not be limited to, negotiating and entering into a developer's agreement on behalf of the Town of Dundee.

Section 4. Severability. The provisions of this Resolution are severable. If any word, sentence, clause, phrase or provision of this Resolution for any reason is declared

by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions or portions of this Resolution shall remain in full force and effect.

Section 5. **Administrative Correction of Scrivener's Errors.** The correction of typographical and/or scrivener's errors in this Resolution which do not affect the intent of this Resolution may be authorized by the Town Manager or her/his designee, without need of consideration by the Town Commission, by filing a corrected or recodified copy of same with the Town Clerk.

Section 6. **Conflicts**. In any case where a provision of this Resolution is found to be in conflict with a provision of any other resolution of the Town of Dundee, the provisions of this Resolution shall prevail.
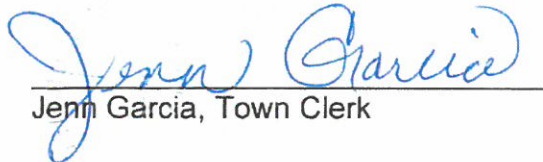
Section 7. **Effective Date.** This Resolution shall become effective immediately upon its passage.

INTRODUCED AND PASSED by the Town Commission of the Town of Dundee, Florida, in regular session, this __10th__ day of __January__, 2023.
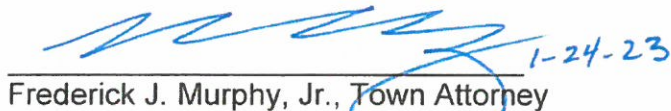
TOWN OF DUNDEE

Sam Pennant, Mayor

ATTEST WITH SEAL:

Jenn Garcia, Town Clerk

Approved as to form:

1-24-23

Frederick J. Murphy, Jr., Town Attorney

Resolution 22-53
Exhibit "A"

TOWN OF DUNDEE
AERIAL PHOTO MAP

Lake Dell

Subject Parcel
Parcel ID: 27-28-28-844000-005020
Area: 1.24 acres

DUNDEE RD

DR MARTIN LUTHER KING ST

LOUISE AVE

Legend
Subject Parcel
Parcel Boundaries

0   50   100
Feet

Resolution 22-53
Exhibit "B"