

RESOLUTION NO. R-2016- 0004

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2015-01235
(CONTROL NO. 1990-00017)

a Requested Use
APPLICATION OF Branch Banking & Trust Company
BY CMS Engineering, LLC, AGENT
(Boynton Beach Self Storage Facility)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended)(ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2015-01235 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County ULDC (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested Use; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/R-2015-01235, the application of Branch Banking & Trust Company, by CMS Engineering, LLC, Agent, for a Requested Use to allow a Car Wash, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

The motion was seconded by Commissioner Valeche and, upon being put to a vote, the vote was as follows:

Commissioner Mary Lou Berger, Mayor	-	Nay
Commissioner Hal R. Valeche, Vice Mayor	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Nay
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 7, 2016.

Filed with the Clerk of the Board of County Commissioners on January 21, 2016.

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment No. SCA 2015-015.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

PCN: 00-42-45-28-06-001-0010

LEGAL DESCRIPTION

PARCEL 1, BOYNTON BEACH BOULEVARD SELF STORAGE, ACCORDING TO THE PLAT THEREOF OF FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 84, PAGE 107, LESS THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 00°23'57" EAST, AS A BASIS OF BEARING, ALONG THE EAST LINE OF PARCEL 1, A DISTANCE OF 214.34 FEET; THENCE SOUTH 89°34'23" WEST, ALONG THE SOUTH LINE OF PARCEL 1, A DISTANCE OF 255.50 FEET; THENCE NORTH 00°23'57" WEST, A DISTANCE OF 211.88 FEET TO THE NORTH LINE OF PARCEL 1; THENCE NORTH 89°01'14" EAST ALONG THE NORTH LINE OF PARCEL 1, A DISTANCE OF 255.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.155 ACRES (50,291 SQUARE FEET)

EXHIBIT B
VICINITY SKETCH

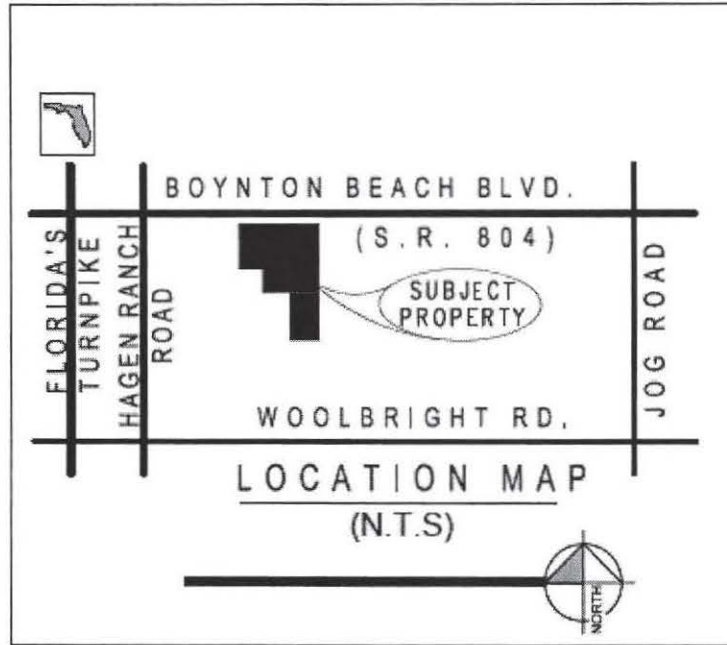


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 10, 2015 and the Preliminary Regulating Plan is dated August 8, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Car Wash shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated August 24, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

LANDSCAPE - GENERAL

1. All existing trees to remain in the affected area (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. (ONGOING: ZONING - Zoning)

2. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection devices are installed. (BLDGPM: ZONING - Zoning)

3. Landscaping along the east side of the Car Wash Awning Area abutting the west median of the main entrance drive shall include the following:

- a. A minimum fifteen (15) foot wide landscape strip;
- b. A six (6) foot high opaque concrete wall. The wall shall run a minimum of 45 feet along the width of the awning;
- c. One (1) canopy tree at each end of the wall, existing trees can be used to meet this criteria;
- d. One (1) palm for each twenty-five (25) linear feet of wall length and;
- e. Thirty six (36) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches on both islands on each side of the entrance drive. (DRO: ZONING - Zoning)

USE LIMITATIONS-CAR WASH

1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

2. Hours of customer service shall not commence prior to 8:00 a.m. nor continue later than 7:00 p.m. Business activities other than customer service (including delivery and stocking operations) shall not commence prior to 6:00 a.m. nor continue activities later than 11:00 p.m. (ONGOING: ZONING - Zoning)

3. Operation of equipment shall not exceed the maximum sound levels as permitted in the ULDC- Maximum Sound Levels. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral

and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.