

RESOLUTION NO. R-2017- 1412

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA/R-2016-01229  
(CONTROL NO. 1972-00051)  
a Requested Use.  
APPLICATION OF Boynton Kir  
BY Gunster, Yoakley & Stewart, PA, AGENT  
(7-Eleven Inc. at Boynton West Shopping Center)

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 pursuant to 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/ABN/DOA/R-2016-01229 was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2017;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Requested Use;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 4.B.2.15 (Use Classification) the Additional Standards of Approval for Retail Gas and Fuel Sales;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the 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/ABN/DOA/R-2016-01229, the Application of Boynton Kir, by Gunster, Yoakley & Stewart, PA, Agent, for a Requested Use to allow Retail Gas and Fuel, on a parcel of land generally described as shown on the legal description 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 September 28, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner 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 Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Absent
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Absent
Commissioner Mack Bernard	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on September 28, 2017.

Filed with the Clerk of the Board of County Commissioners on October 4th, 2017

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'FLORIDA' at the bottom. The inner ring contains 'PALM BEACH COUNTY' at the top and 'COMMISSIONERS' at the bottom. In the center, there is a five-pointed star.

EXHIBIT A

LEGAL DESCRIPTION

(AFFECTED AREA OF DEVELOPMENT)

A PORTION OF THE PLAT OF BOYNTON WEST SHOPPING CENTER, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 43, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING IN SECTION 23, TOWNSHIP 45 SOUTH, RANGE 42 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23: THENCE N 00'05'04" W, ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 1004.04 FEET TO A POINT:

THENCE, LEAVING SAID SECTION LINE. BEARING N 89'49'28" W, A DISTANCE OF 59.98 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (SR 809) (AS DEDICATED BY DEED BOOK 887, PAGE 248 AND PLAT BOOK 43, PAGE 23 OF SAID PUBLIC RECORDS), SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND:

THENCE, CONTINUE BEARING N 89 49'28" W A DISTANCE OF 142.66 FEET TO A POINT;

THENCE, BEARING N 00 22'13" W A DISTANCE OF 376.69 FEET TO A POINT;

THENCE, BEARING N 89 28'00" E, A DISTANCE OF 118.94 FEET TO A POINT;

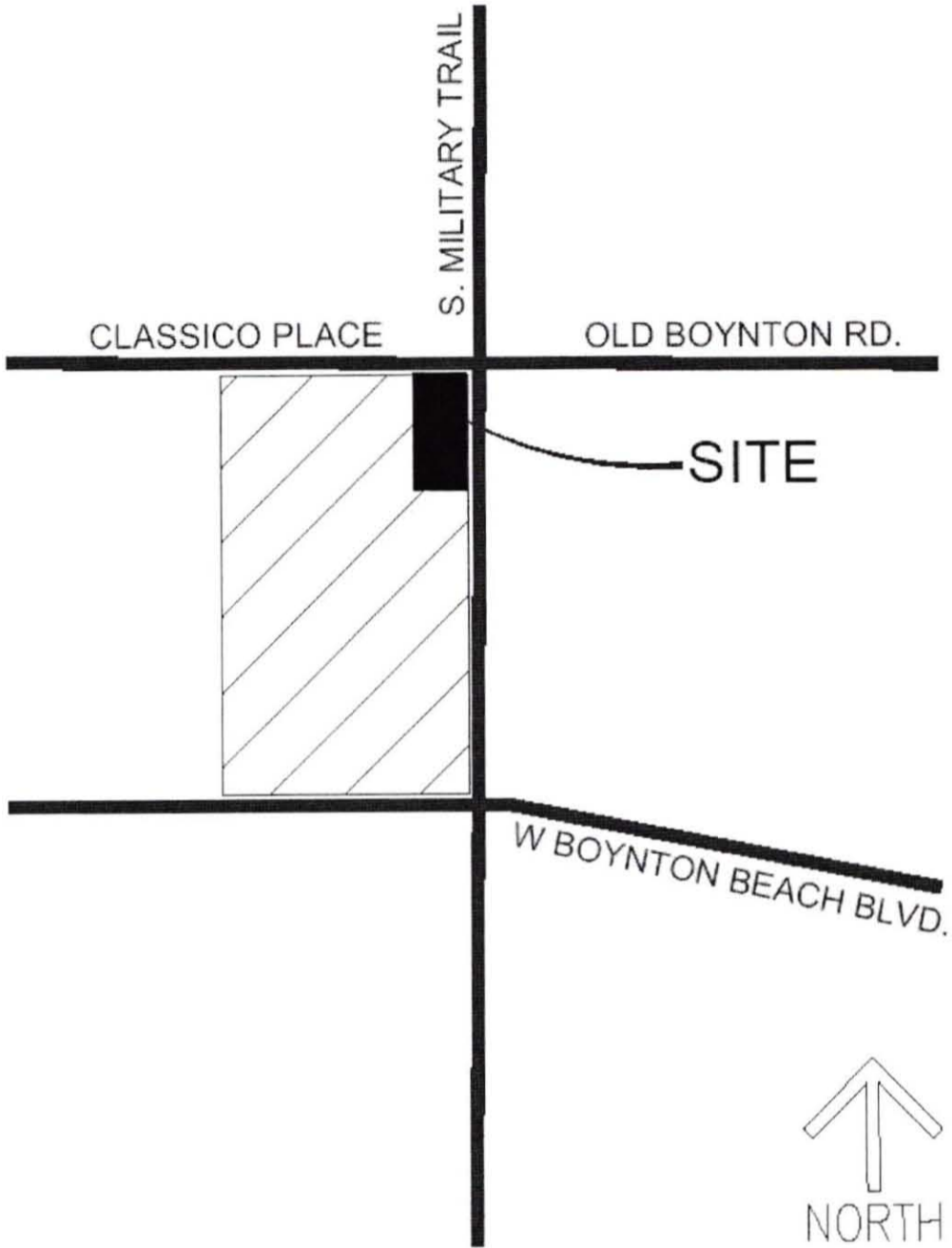
THENCE, BEARING S 45 18'17" E. A DISTANCE OF 22.09 FEET TO A POINT;

THENCE, BEARING S 26'20'42" E. A DISTANCE OF 22.42 FEET TO THE AFORESAID EASTERLY LINE OF THE "PLAT OF BOYNTON SHOPPING CENTER" AND THE AFORESAID WESTERLY RIGHT OF WAY LINE OF S. MILITARY TRAIL (SR 809);

THENCE. BEARING S 00 05'04" E, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 342.60 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 53,840 SQUARE FEET OR 1.236 ACRES MORE OR LESS AND IS SUBJECT TO ANY AND ALL CONDITIONS, RESTRICTIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Requested Use

##### ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Site Plans and Regulating Plans are dated June, 16 2017. All modifications to the Development Order must be approved by the Board of County Commissioners, unless the proposed changes are required to meet Conditions of Approval. (DRO: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations 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). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

##### USE LIMITATIONS

1. Stocking and deliveries shall only be permitted between the hours 6 a.m. to 11 p.m. daily. (ONGOING: CODE ENF - Zoning)

2. Sale of alcoholic beverages shall not be allowed between the hours of 12 a.m. and 7 a.m., seven days a week. (ONGOING: CODE ENFORCEMENT-Zoning)

##### DISCLOSURE

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