

RESOLUTION NO. R-2024- 1029

RESOLUTION APPROVING ZONING APPLICATION PDD/CA-2022-01922
(CONTROL NO. 2022-00112)
an Official Zoning Map Amendment
APPLICATION OF Carl Jobson, Job-Man Development, LLC - Daniel Mancini
BY Schmidt Nichols, AGENT
(Boynton Place MUPD)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/CA-2022-01922 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2024;

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 (Application Processes and 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 Processes) for an Official Zoning Map Amendment;

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.B.6.C (Board Action) 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application PDD/CA-2022-01922, the Application of Carl Jobson, Job-Man Development, LLC - Daniel Mancini, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 8.86 acres, 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 August 22, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	-	Aye
Commissioner Maria G. Marino, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Absent
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 22, 2024.

Filed with the Clerk of the Board of County Commissioners on August 26, 2024.

This resolution shall not become effective unless or until the effective date of the Small Scale Land Use Amendment SCA-2023-00020.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (SEC 1/4) OF THE AFORSAID SECTION 22; THENCE NORTH 00°41'06" WEST ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER (SF 1/4), A DISTANCE OF 1331.34 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SOUTHEAST ONE-QUARTER (SE 1/4); THENCE NORTH 89°31'42" EAST ALONG SAID LINE, A DISTANCE OF 51.88 FEET TO THE EAST RIGHT-OF-WAY LINE OF JOG ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4224, PAGE 780; THENCE CONTINUE NORTH 89°31'42" SECONDS EAST, A DISTANCE OF 615.46 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°31'42" EAST, A DISTANCE OF 333.67 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE SOUTH 00°30'38" EAST ALONG SAID LINE, A DISTANCE OF 1168.61 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD (STATE ROAD 804) AS SHOWN IN COUNTY ROAD PLAT BOOK 2, PAGE 5, AND AS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 4251, PAGE 575 AND AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 97931-2347; THENCE NORTH 86°24'21" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 333.36 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF (E1/2) OF THE SOUTHWEST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE NORTH 00°30'38" WEST ALONG SAID LINE, A DISTANCE OF 1144.98 FEET TO THE POINT OF BEGINNING, SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS:

A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE NORTH 00°41'13" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER (SE 1/4), 1333.46 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE NORTH 89°34'27" EAST, ALONG SAID SOUTH LINE OF THE NORTHWEST ONE-QUARTER 616.20' TO THE NORTHEAST CORNER OF "FOUNTAINS EAST MUPD", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 130, PAGE 93, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE CONTINUE, NORTH 89°34'27" EAST, ALONG SAID SOUTH LINE OF THE NORTHWEST ONE-QUARTER, 334.10 FEET TO A POINT ON THE WEST LINE OF "BRIARRIDGE PLAT ONE", ACCORDING THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 57, SAID PULBIC RECORDS AND THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE SOUTH 00°27'36" EAST, ALONG SAID EAST LINE OF SAID WEST ONE-HALF (W 1/2) AND SAID WEST LINE OF "BRIARRIGE PLAT ONE", A DISTANCE OF 1169.95 FEET TO

THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 804, "BOYNTON BEACH BOULEVARD", ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTAION RIGHT-OF-WAY MAP SECTION No.: 97931-2347 AND OFFICIAL RECORDS BOOK 4215, PAGE 575, OF SAID PUBLIC RECORDS; THENCE NORTH 86°24'21" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 333.43 FEET TO THE SOUTHEAST CORNER OF SAID "FOUNTAINS EAST MUPD" AND A POINT ON THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22; THENCE NORTH 00°32'07" WEST, ALONG SAID EAST LINE OF SAID "FOUNTAINS EAST MUPD" AND SAID WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 22, A DISTANCE OF 1146.58 FEET, TO SAID NORTHEAST CORNER OF SAID "FOUNTAINS EAST MUPD" AND THE POINT OF BEGINNING.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY FLORIDA, AND CONTAINING 386, 096 SQUARE FEET, (8.8635 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

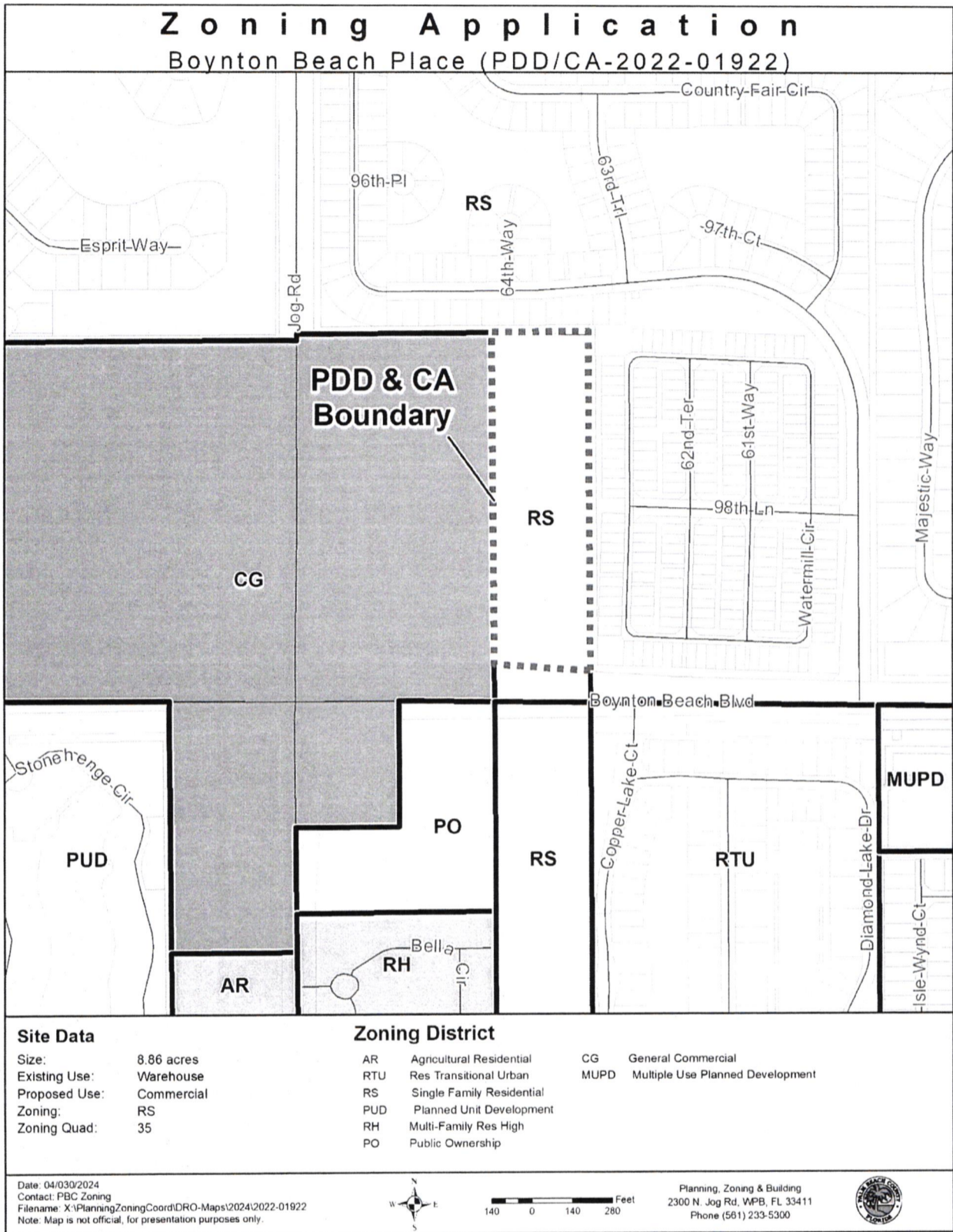


EXHIBIT C

CONDITIONS OF APPROVAL

Non Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 13, 2024. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall extend the west approach left turn lane on Boynton Beach Blvd at the project entrance, if needed by and as approved by the FDOT.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

5. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Boynton Beach Boulevard on an alignment approved by the FDOT or County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title,

title commitment or title insurance policy, or as otherwise required and acceptable to FDOT.

The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up. including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up.

Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

6. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

LANDSCAPE - PERIMETER-LANDSCAPING NORTH PROPERTY LINE

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum thirty-five (35) foot wide landscape buffer strip;
 - b. a continuous four (4) foot high berm;
 - c. an eight (8) foot high opaque wall to be placed on the plateau of the berm;
 - d. a minimum of seventy-five (75) percent of the required trees shall be located on the exterior side of the wall; and
 - e. the wall shall be setback a minimum of fifteen (15) feet from the applicable property line. (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING EAST PROPERTY LINE

2. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum thirty-five (35) foot wide landscape buffer strip;
 - b. a continuous four (4) foot high berm;
 - c. an eight (8) foot high opaque wall to be placed on the plateau of the berm;
 - d. a minimum of seventy-five (75) percent of the required trees shall be located on the exterior side of the wall; and
 - e. the wall shall be setback a minimum of fifteen (15) feet from the applicable property line. (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (NORTH +/- 348 FEET)

3. Landscaping and buffering along the west property line, north 348 feet, shall be a Type 3 Incompatibility Buffer:
 - a. a minimum twenty (20) foot wide landscape buffer strip. (ONGOING/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-MAIN ENTRANCE - BOYNTON BEACH BLVD

4. The west side of the Boynton Beach drive aisle adjacent to Building D shall be landscaped with the following:
 - a. a trellis/shaded structure with trash receptacles shall be provided. The structure shall be a minimum of six (6) feet in width and thirty (30) feet in length. Climbing vines shall be incorporated into the design of each structure;
 - b. a minimum five (5) foot wide pedestrian walkway paved with precast paving blocks, stamped concrete or other decorative surface shall be provided under the trellis/shade structure; and
 - c. a minimum of one (1) shrub for each two (2) linear feet of adjacent curbing. (ONGOING/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER

5. The west side of the Boynton Beach drive aisle adjacent to Building B shall be landscaped with the following:

- a. a minimum of two (2) sets of trellis/shaded structures with trash receptacles shall be provided. Each structure shall be a minimum of six (6) feet in width and thirty (30) feet in length. Climbing vines shall be incorporated into the design of each structure;
- b. a minimum five (5) foot wide pedestrian walkway paved with precast paving blocks, stamped concrete or other decorative surface shall be provided under the trellis/shade structure;
- c. each trellis/shade structure shall provide a minimum of one (1) bench with trash receptacle; and
- d. a minimum of one (1) shrub for each two (2) linear feet of adjacent curbing. (ONGOING/DRO: ZONING - Zoning)

LANDSCAPE - INTERIOR

6. There shall be no improvements in the required divider median landscape area adjacent to the vacuum spaces for Building E - Car Wash. (ONGOING: ZONING - Zoning)

LIGHTING

1. The maximum illumination at the north, east and north 348 feet of the west property line shall be 0 foot-candles. (ONGOING: ZONING - Zoning)

2. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: ZONING - Zoning)

PLANNED DEVELOPMENT

1. Prior to final approval of the site plan by the Development Review Officer (DRO), the Property Owner shall record in the public record a Unity of Control indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership and shall require architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. The Unity of Control shall be recorded in a form and manner acceptable to the Zoning Division, Land Development Division, and County Attorney. The Unity of Control shall not be removed, altered, changed or amended without written approval from the Zoning Director and the County Engineer. (DRO: ZONING - Zoning)

PLANNING

1. Per SCA 2023-20, Condition 1: Development of the site under the Commercial Low future land use designation shall include a 35-foot landscape buffer along the north and east property lines, which shall include a continuous 4-foot berm, hedges and trees, and an opaque 8-foot wall. (ONGOING: PLANNING - Planning)

2. Per SCA 2023-20, Condition 2: Development of the site under the Commercial Low future land use designation is limited to a maximum of 7,366 net daily trips, 98 net AM peak hour trips, and 86 net PM peak hour trips. (ONGOING: PLANNING - Planning)

SIGNS

1. Ground Mounted Freestanding signs fronting on Boynton Beach Blvd shall be limited as follows:

- a. maximum sign height - twelve (12) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - one hundred and twenty (120) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDG/PMT: ZONING - Zoning)

2. Outparcel signs fronting on Boynton Beach Boulevard shall be limited as follows:

- a. maximum sign height - five (5) feet, measured from finished grade to highest point;
- b. maximum sign width - four (4) feet;
- c. maximum sign face area per side - twenty (20) square feet;

- d. maximum number of signs - two (2); and,
- e. style - monument style only. (BLDG/PMT/ONGOING: ZONING - Zoning)

SITE DESIGN

1. At time of submittal for Final Development Review Officer the Applicant shall submit a Final Regulating Plan showing compliance with the Landscape Conditions of Approval. (DRO: ZONING - Zoning)

2. At time of submittal for Final Development Review Officer approval, the Site Plan shall be revised to reflect the required Type 3 Incompatibility Buffer along the north 348 feet of the west property line. (DRO: 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.