

RESOLUTION NO. R-2021-1761

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2019-01808
(CONTROL NO. 2001-00075)
a Class A Conditional Use
APPLICATION OF BASM 11, LLC, Northlake Coconut Property, LLC
BY Schmidt Nichols, AGENT
(Coconut Palm Plaza)

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 (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application ABN/ZV/PDD/CA-2019-01808 was presented to the Board of County Commissioners at a public hearing conducted on November 22, 2021;

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 a Class A Conditional Use;

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 Zoning Application ABN/ZV/PDD/CA-2019-01808, the Application of BASM 11, LLC, Northlake Coconut Property, LLC, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store, 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 November 22, 2021, 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 Marino and, upon being put to a vote, the vote was as follows:

Commissioner Robert S. Weinroth, Mayor	-Aye
Commissioner Gregg K. Weiss, Vice Mayor	-Aye
Commissioner Maria G. Marino	-Aye
Commissioner Dave Kerner	-Aye
Commissioner Maria Sachs	-Aye
Commissioner Melissa McKinlay	-Aye
Commissioner Mack Bernard	-Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 22, 2021.

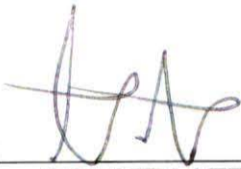
Filed with the Clerk of the Board of County Commissioners on November 22nd, 2021.

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

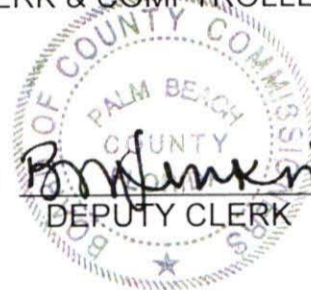
BY:



COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:



DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THAT PART OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AND LYING EAST OF THE RIGHT-OF-WAY FOR COCONUT BOULEVARD, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 86°53'58" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1522.70 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 86°53'58" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1028.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD; THENCE NORTH 47°19'55" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET; THENCE NORTH 01°33'46" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 433.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 24°09'10", A DISTANCE OF 40.47 FEET TO THE END OF SAID CURVE; THENCE NORTH 39°13'08" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.95 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 96.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 34°09'05" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 31°03'03", A DISTANCE OF 52.03 FEET TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 86°53'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 892.21 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 104.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 84°48'28" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 81°42'26", A DISTANCE OF 148.31 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°53'58" WEST, A DISTANCE OF 266.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°27'32", A DISTANCE OF 32.56 FEET TO THE END OF SAID CURVE; THENCE SOUTH 03°06'02" EAST, A DISTANCE OF 206.05 FEET; THENCE NORTH 86°53'58" EAST, A DISTANCE OF 431.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'14", A DISTANCE OF 54.86 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03°17'48" EAST, A DISTANCE OF 226.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.25 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

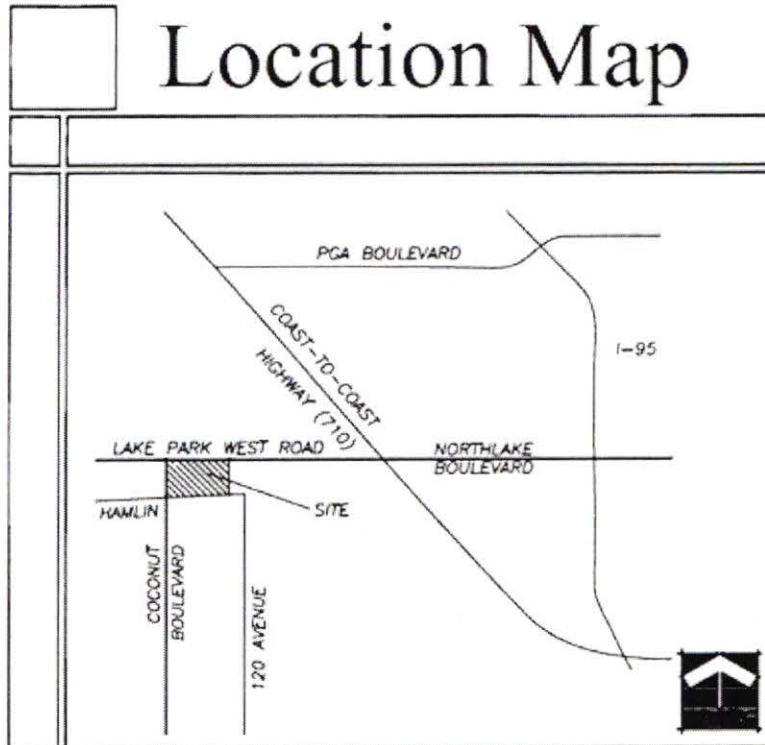


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use – Retail Gas and Fuel Sales with Convenience Store

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 13, 2020. 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)

USE LIMITATIONS

2. Prior to final approval by the Development Review Officer, the Site Plan shall be modified to indicate the total number of gas pumps limited to a maximum of eight (8) pumps with each pump having up to two (2) fueling positions each. (DRO/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.