

RESOLUTION NO. R-2022-0148

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2021-01043
(CONTROL NO. 1999-00028)
a Development Order Amendment (Retail Gas and Fuel with Convenience Store)
APPLICATION OF BasM Global Real Estate Fund LLC, HSC West Palm Beach, LLC
BY Schmidt Nichols, AGENT
(HSC West Palm Beach)

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 ZV/DOA/CA-2021-01043 was presented to the Board of County Commissioners at a public hearing conducted on February 24, 2022;

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 Development Order 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 Zoning Application ZV/DOA/CA-2021-01043, the Application of BasM Global Real Estate Fund LLC, HSC West Palm Beach, LLC, by Schmidt Nichols, Agent, for a Development Order Amendment to modify the site plan and uses, add square footage, add pumps and to add and delete Conditions of Approval, 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 February 24, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

The motion was seconded by Commissioner Weiss 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 February 24, 2022.

Filed with the Clerk of the Board of County Commissioners on February 28th, 2022.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCELS 1 AND 2, AND THE WATER MANAGEMENT TRACT, BELVEDERE COMMERCE CENTER M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 106, PAGE(S) 127, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTINING 8.127 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

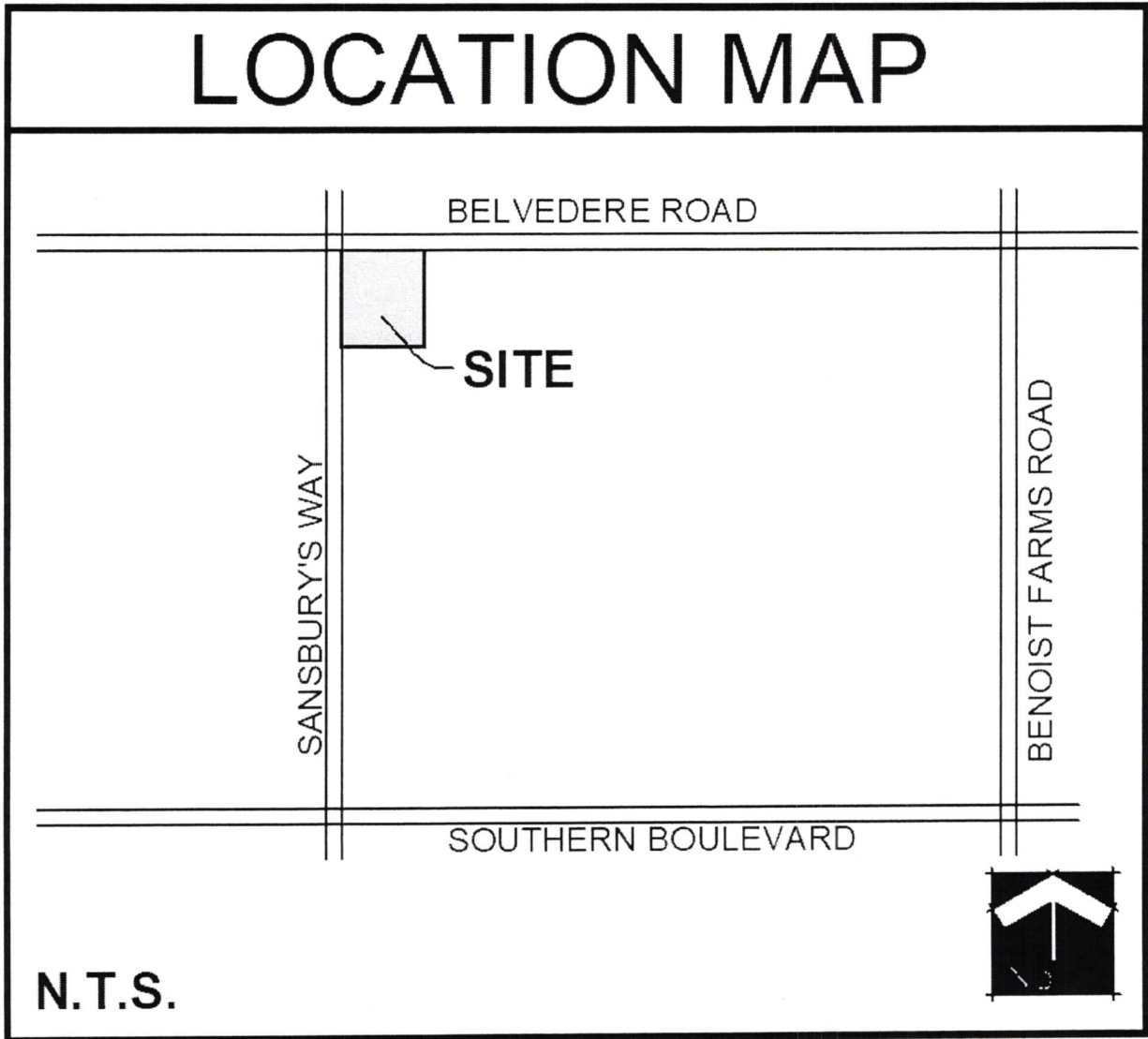


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Overall DOA)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2003-1397, Control No.1999-00028, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2001-0820 (Petition 1999-028A) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-1397 (Control No. DOA 1999-00028), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.(ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2003-1397, Control No.1999-00028, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 24, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated December 13, 2021. 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. (ONGOING: ZONING - Zoning)

3. The petitioner shall have three (3) years from the adoption of the resolution approving Petition 1999-028(B) to commence development on this site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2003-1397, Control No.1999-00028 (DATE: ZONING - Zoning)

CONVENIENCE STORE WITH GAS SALES-CONVENIENCE STORE WITH GAS SALES

1. Previous CONVENIENCE STORE WITH GAS SALES Condition 1 of Resolution R-2003-1397, Control No.1999-00028, which currently states:

Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 3,000 square feet with six (6) pumps and a 660sq. ft. accessory car wash. (Previous ConditionD.1 of R-2001-0820, Petition PDD1999-028(A))

Is hereby deleted. [REASON: No longer applicable]

2. Previous CONVENIENCE STORE WITH GAS SALES Condition 2 of Resolution R-2003-1397, Control No.1999-00028, which currently states:

Gas station canopies shall be designed consistent with the following standards:
a. twenty-five (25) feet maximum height if a pitched roof, with a minimum slope of 5:12, is

used;

b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;

c. lighting for the gas station canopy shall be flush mounted or recessed; and,

d. canopy signage shall be limited to a maximum of one (1) sign per right-of-way frontage with a maximum height of eighteen (18) inches. All canopy heights shall include air conditioning and mechanical equipment and satellite dishes and be measured from finished grade to the highest point.

Is hereby deleted. [REASON: No longer applicable]

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.