

RESOLUTION NO. R-2023- 0553

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2021-01006
(CONTROL NO. 2006-00147)
a Development Order Amendment
APPLICATION OF Coconut Northlake LLC
BY JMorton Planning & Landscape Architecture, AGENT
(Shops at Indian Trails)

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 DOA/CA-2021-01006 submitted on behalf Coconut Northlake LLC, by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to modify the Site Plan; add and delete uses, buildings, and square footage; relocate buildings, add access points; and, modify Conditions of Approval (Overall MUPD- R-2014-0111); a Development Order Amendment to modify uses (Type 1 Restaurant and Convenience Store with Gas Sales and an accessory Car Wash R-2011-1241); a Class A Conditional Use to allow a Type 1 Restaurant with drive-through; a Type 1 Restaurant greater than 5,000 sq. ft. with no drive-through; and, a Type 2 Restaurant; a Class A Conditional Use to allow a General Daycare; a Class A Conditional Use to allow a Car Wash was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2023;

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

DOA/CA-2021-01006, the Application of Coconut Northlake LLC, by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to modify uses (Type 1 Restaurant and Convenience Store with Gas Sales and an accessory Car Wash R-2011-1241), 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 April 27, 2023, 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 Sachs and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on April 27, 2023.

Filed with the Clerk of the Board of County Commissioners on April 27, 2023.

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

A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15

BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 86°53'58" EAST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 40.11 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF 130TH AVENUE NORTH, AS RECORDED IN OFFICIAL RECORD BOOK 1229, PAGE 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE NORTH 01°06'33" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 532.19 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF NORTHLAKE BOULEVARD, AS RECORDED IN OFFICIAL RECORD BOOK 12017, PAGE 1009 OF SAID PUBLIC RECORDS; THENCE NORTH 44°00'15" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 54.45 FEET; THENCE NORTH 86°53'58" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2,175.25 FEET; THENCE SOUTH 47°19'56" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD, AS RECORDED IN SAID OFFICIAL RECORD BOOK 12017, PAGE 1009; THENCE SOUTH 01°33'49" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 98.03 FEET; THENCE SOUTH 02°50'12" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 225.05 FEET; THENCE SOUTH 01°33'49" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 164.84 FEET; THENCE SOUTH 42°40'04" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 55.81 FEET TO A POINT OF INTERSECTION WITH AFORESAID SOUTH LINE OF SECTION 15; THENCE SOUTH 86°53'58" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2,246.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,286,414 SQUARE FEET/29.5320 ACRES, MORE OR LESS

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH

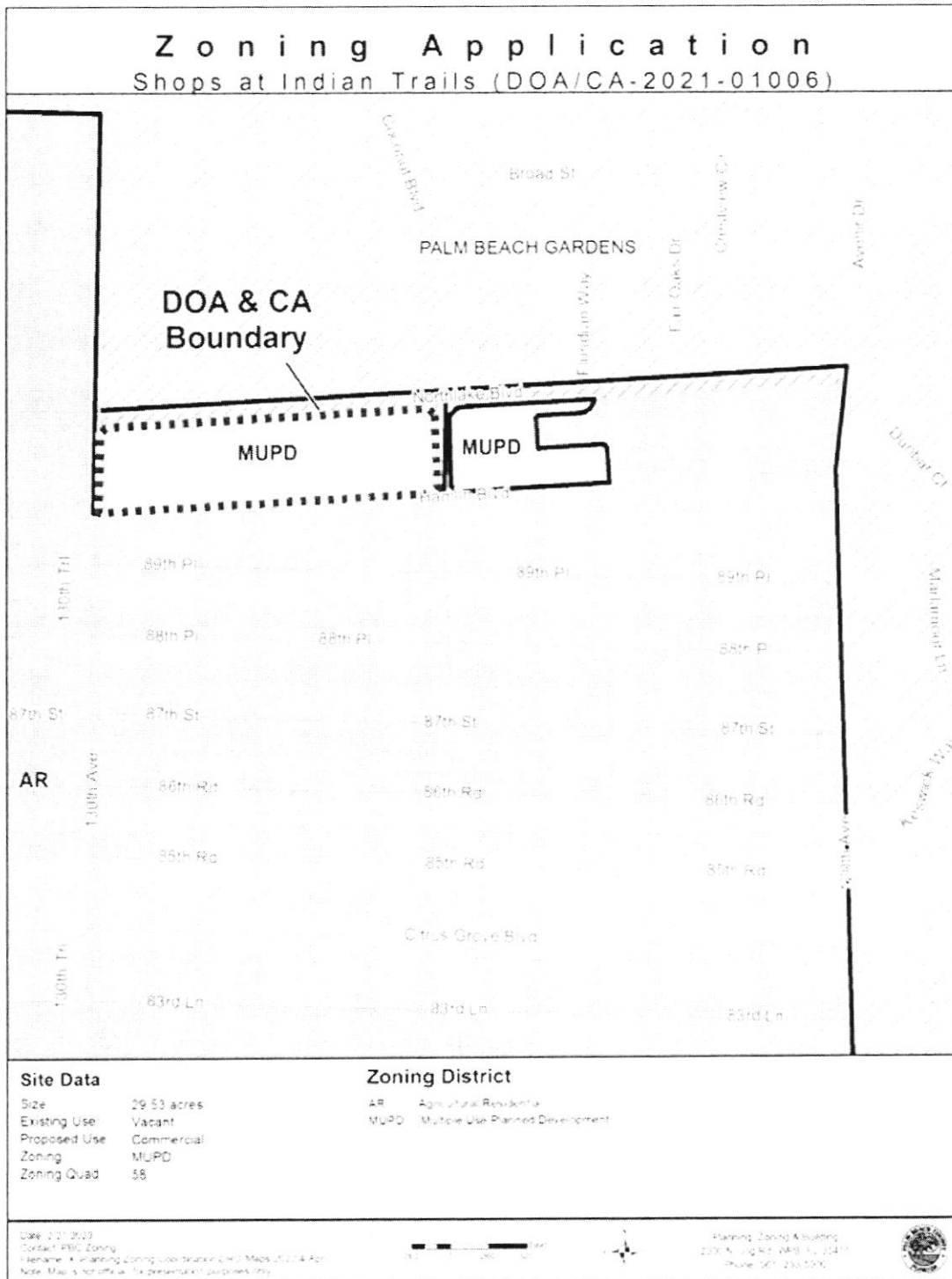


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Retail Gas and Fuel Sales and Type 1 Restaurant 29.53 acres

ALL PETITIONS

1. The approved Site Plan is dated February 9, 2023. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-1241 (Control 2005-00147), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

USE LIMITATIONS RETAIL GAS AND FUEL SALES

1. Gas station canopies shall be designed consistent with the following standards:

- a. a maximum height of twenty-five (25) feet measured from finished grade to highest point;
- b. a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted or as otherwise approved by Architecture Review Section;
- c. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and,
- d. lighting for the gas station canopy shall be flush mounted or recessed. (DRO: ARCHITECTURAL REVIEW - Zoning) (Previous USE LIMITATIONS - CONVENIENCE STORE Condition 1 of Resolution R-2011-1241, Control No.2006-00147)

2. Repair or maintenance of vehicles shall not be permitted on the property, excluding incidental and emergency repairs. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS - CONVENIENCE STORE Condition 2 of Resolution R-2011-1241, Control No.2006-00147)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO: ZONING - Zoning) (Previous USE LIMITATIONS - CONVENIENCE STORE Condition 3 of Resolution R-2011-1241, Control No.2006-00147)

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.