

RESOLUTION NO. R-2024-0196

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2023-01497  
(CONTROL NO. 1981-00190)  
a Development Order Amendment  
APPLICATION Palm Beach Investment Property LLC  
BY Urban Design Studio, AGENT  
(Palm Beach Park of Commerce)

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 ABN/DOA-2023-01497, the Application of Palm Beach Investment Property LLC, by Urban Design Studio, Agent, for a Development Order Abandonment to abandon Class A approvals for two Type 1 Restaurants with drive-through approved by Resolution R-2019-0386 and Resolution R-2019-0387 on 9.54 acres; a Development Order Amendment to modify the Master Plan to re-designate 7.55 acres of a General Commercial Pod to a Light Industrial Pod and to modify Conditions of Approval on 1,322.19 acres; and, a Development Order Amendment to modify the previously approved Class A for a Retail Gas and Fuel Sales with a Convenience Store to reduce land area by 7.55 acres to 1.99 acres, to configure the Site Plan, and to modify Conditions of Approval was presented to the Board of County Commissioners at a public hearing conducted on February 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 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,

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application ABN/DOA-2023-01497, the Application of Palm Beach Investment Property LLC, by Urban Design Studio, Agent, for a Development Order Amendment to modify the previously approved Class A for a Retail Gas and Fuel Sales with a Convenience Store to reduce land area by 7.55 acres to 1.99 acres, to reconfigure the Site Plan, and to modify 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 22, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss 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              | - | Aye |
| Commissioner Sara Baxter                 | - | Aye |
| Commissioner Mack Bernard                | - | Aye |

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

Filed with the Clerk of the Board of County Commissioners on February 22, 2024.

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 PARCEL No. 1 - COMMERCIAL POD

A PARCEL OF LAND BEING A PORTION OF TRACT A, AS SHOWN ON THE PLAT OF PALM BEACH PARK OF COMMERCE - BEELINE COMMONS, RECORDED IN PLAT BOOK 132, PAGES 68 AND 69, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID TRACT A; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT A, SOUTH 53°39'52" EAST, A DISTANCE OF 327.20 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE DEPARTING SAID SOUTHERLY LINE OF TRACT A, NORTH 36°20'08" EAST, A DISTANCE OF 250.50 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF COMMERCIAL CIRCLE, AS SHOWN ON THE PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D. PLAT NO. 1, RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 50.00 FEET AND A CHORD BEARING OF SOUTH 61°30'59" EAST; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 69°57'46", A DISTANCE OF 61.05 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF COMMERCIAL CIRCLE, THROUGH A CENTRAL ANGLE OF 42°50'00", A DISTANCE OF 18.69 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF COMMERCIAL CIRCLE, SOUTH 53°39'52" EAST, A DISTANCE OF 235.01 FEET; THENCE CONTINUE, SOUTH 08°39'52" EAST, A DISTANCE OF 35.36 FEET TO A POINT OF THE EASTERLY LINE OF SAID TRACT A AND A POINT ON THE WESTERLY RIGHT OF WAY LINE OF PARK OF COMMERCE BOULEVARD, AS SHOWN ON SAID PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D. PLAT NO. 1; THENCE ALONG SAID EASTERLY LINE OF TRACT A, SOUTH 36°20'08" WEST, A DISTANCE OF 215.00 FEET; THENCE CONTINUE ALONG SAID EASTERLY LINE, SOUTH 81°20'08" WEST, A DISTANCE OF 35.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT A AND A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF BEE-LINE HIGHWAY (STATE ROAD 710), AS SHOWN ON ROAD PLAT BOOK 2, PAGES 149 THROUGH 153, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY LINE OF TRACT A AND ALONG SAID NORTHERLY RIGHT OF WAY LINE OF BEE-LINE HIGHWAY (STATE ROAD 710), NORTH 53°39'52" WEST, A DISTANCE OF 308.80 FEET TO THE POINT OF BEGINNING.  
CONTAINING 86,843 SQUARE FEET OR 1.994 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

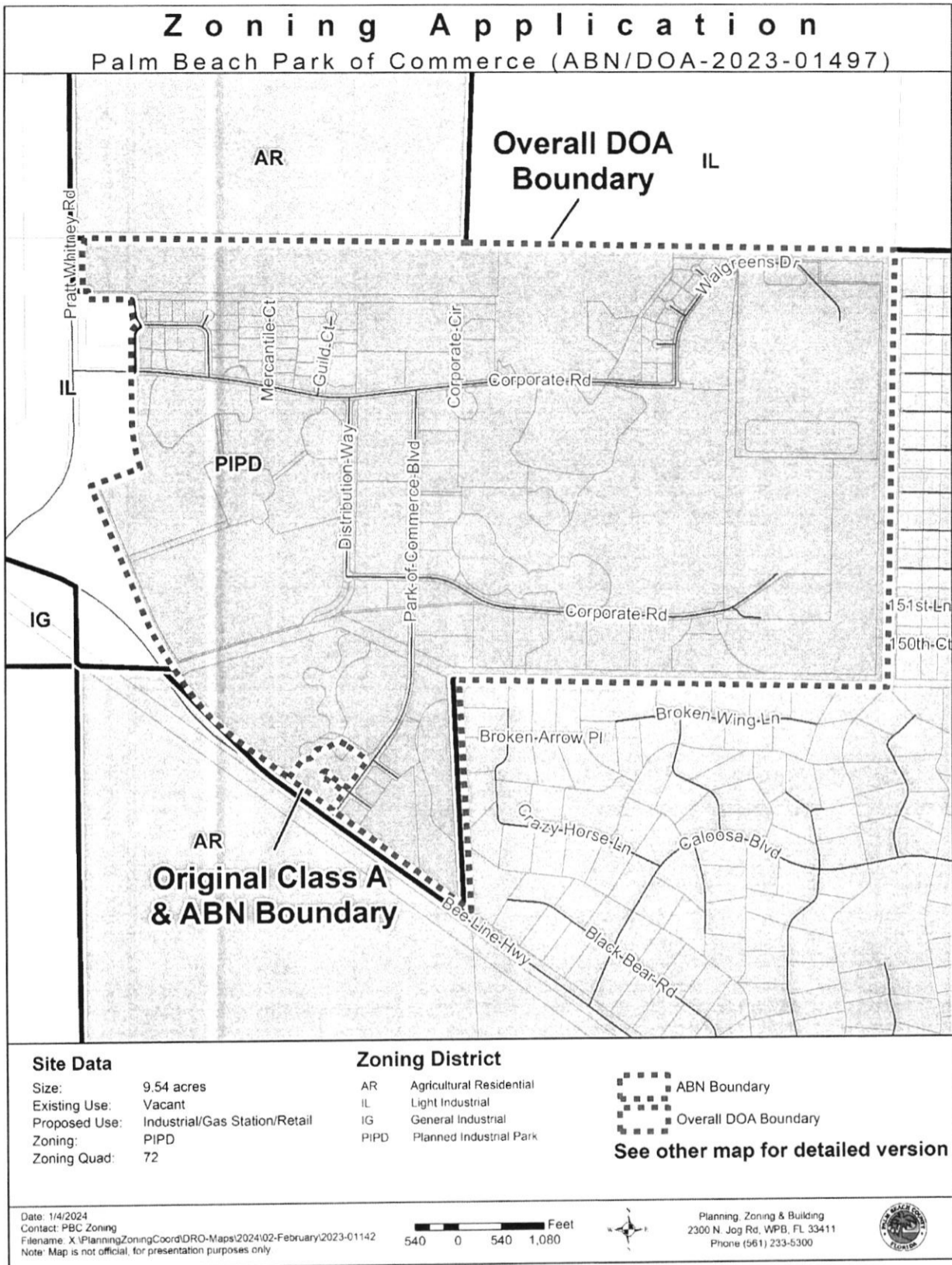


EXHIBIT C  
CONDITIONS OF APPROVAL

**EXHIBIT C-2**

**Development Order Amendment - Class A for a Retail Gas and Fuel Sales with a Convenience Store**

**ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-385, Control No.1981-00190, which currently states:

The approved Preliminary Site Plan is dated December 10, 2018. 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.

**Is hereby amended to read:**

The approved Preliminary Site Plan is dated December 13, 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-2019-385 (Control 1981-00190), 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: ZONING - Zoning)

**ENGINEERING**

1. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Beeline Hwy and Park of Commerce Blvd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits for the site shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2019-385, Control No.1981-00190)

2. 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 or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2019-385, Control No.1981-00190)

3. The Property Owner shall construct a left turn lane south approach on Park of Commerce Boulevard at the intersection of Park of Commerce Boulevard and Commerce Circle. 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2019-385, Control No.1981-00190)

4. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2023, 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 Article 2, Chapter E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2019-385, Control No.1981-00190)

## **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.