

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ZV/Z-2022-00534
Application Name: Four Seasons Retail
Control No./Name: 1973-00079 (Square Lake)
Applicant: Four Seasons Military LLC
Owners: Four Seasons Military LLC
Agent: Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Jordan Jafar, Senior Site Planner

TITLE: a Type 2 Variance **REQUEST:** to reduce the number of parking spaces on 1.19 acres

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Community Commercial (CC) Zoning District on 1.19 acres

APPLICATION SUMMARY: The proposed requests are for the 1.19-acre Four Seasons Retail Development. The subject site has no prior Board of County Commissioners (BCC) approvals.

The request would allow the rezoning to the Community Commercial (CC) Zoning District, in order to allow for the development of a General Retail use that would be subject to an Administrative Review. The preliminary site plan identifies a 10,640 square foot retail building. In addition, with the request for a General Retail use, the Applicant is requesting a variance to allow the reduction of the required parking spaces for a future Retail Sales Use on the subject site from 53 required parking spaces to 38 parking spaces.

SITE DATA:

Location:	West side of Military Trail, approximately 200 feet north of Lillian Avenue.
Property Control Number	00-42-42-24-01-000-0330
Future Land Use Designation:	Commercial Low, with an underlying LR-1 (CL/1)
Existing Zoning District:	Neighborhood Commercial District (CN)
Proposed Zoning District:	Community Commercial (CC)
Total Acreage:	1.19 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Palm Beach Gardens, Riviera Beach
Future Annexation Area	Palm Beach Gardens
Commission District	District 1, Maria G. Marino

RECOMMENDATION: Staff recommends approval of an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-2.

Staff recommends denial of the Type 2 Variance request. Should the Zoning Commission choose to approve the request, then Staff recommends the Conditions of Approval as indicated in Exhibit C-1.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY: There have been no prior approvals by the Board of County Commissioners (BCC) for this site. The site is currently vacant.

TYPE II VARIANCE SUMMARY:

	ULDC Article	Required	Proposed	Variance
V1	6.B.1.B – Minimum Parking and Loading Requirements	Retail Sales – 1 space/200 sq.ft. @ 10,640 sq.ft. = 53 parking spaces	38 parking spaces	- 15 parking spaces

FINDINGS: TYPE 2 VARIANCE STANDARDS

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. *Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:*

V.1 – No: Special conditions and circumstances do not exist that are particular to this parcel of land, which are not applicable to other parcels of land in the same zoning district. Per Article 6.B.1.B Minimum Parking and Loading Requirements of the Unified Land Development Code (ULDC), a Retail Sales Use Classification is required to have one parking space per 200 square feet. The site is currently vacant. The current zoning of the property allows for retail uses, but has a maximum square footage of 3,000 square feet of Gross Floor Area (GFA) per establishment. The Applicant is proposing to rezone the property to CC, in order to construct a larger building. With the construction of a larger building, additional parking is proposed. Staff met with the Applicant and suggested other solutions, however, the Applicant’s justifications and responses to modifications is that this specific user may not be able to modify to comply with the Code. The ULDC regulations are not meant to be user specific, but if the proposed user goes away, the site could still function as a retail use with the appropriate parking. The Applicant has not provided any special conditions or circumstances that are peculiar to this parcel, or proposed building that isn’t applicable to any other parcel within the proposed CC district. If this use were to be locate within the CC or Commercial General (CG) Zoning District’s the same parking calculation would be required. Reduction in square footage, or modification to the location of the structure or height of the structure could allow for compliance with the parking requirements.

b. *Special circumstances and conditions do not result from the actions of the Applicant:*

V.1 – No: There are no special circumstances and conditions that are not the result from the actions of the Applicant. The conditions of the site comply with the regulations of the code. The request to rezone the property, in order to allow for a larger structure, and reduce the amount of required parking spaces for a Retail Sales use is a direct action of the Applicant.

c. *Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

V.1 – No: Granting of this variance will confer a special privilege that is required for all other Retail Sales Uses. Per Article 6.B.1.B Minimum Parking and Loading Requirements of the Unified Land Development Code (ULDC), a Retail Sales Use is required to have 1 parking space per 200 square feet. The Applicant wants to have parking reduction on based on a specific user, not a general retail use. Shall the variance be granted for a reduction in parking for the Retail Sales use, the subject site will be left with inadequate parking for the proposed use.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

V.1 - No: Literal interpretation and enforcement of the terms and provisions of this Code would not deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would not work an unnecessary and undue hardship. If the Agent proposed a smaller building and redesigned the site, there would not be a need for the variance. In contrast, reducing the required parking spaces will create an undue hardship for the proposed Retail Sales and the function of the site. The subject site can be developed with a smaller building or other uses that would not conflict with the requirements of the ULDC.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:*

V.1 - No: Granting of this variance to reduce the required parking spaces for a Retail Sales use, is not the minimum variance that will make possible the reasonable use of this parcel of land, building or structure. The Applicant can propose a smaller amount of square footage for the use, redesign the site, or propose a different use. The Applicant chose to request a variance to reduce parking requirements in order to provide a building with a large amount of square footage on a small site that cannot accommodate required site design elements.

f. Granting the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

V.1 - No: Granting of this variance is not consistent with the purposes, goals objectives and policies of the Plan and this Code. The Applicant intends to reduce the required parking for a future development of 10,640 sq. ft. of Retail Sales Use. The Applicant's Justification Statement indicates that the variance for the reduction of the required parking is consistent with the Goals, however it will provide inadequate parking for the future development of the Retail Sales use and the site will not be in compliance with the parking requirements indicated under Article 6 – Parking, Loading and Circulation of the ULDC. Compliance with Zoning regulations apply to all development within the county prior to constructions. Developers must ensure they have the appropriately sized property to accommodate all regulations.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

V.1 - No: Granting of the variance will be injurious to the area involved or otherwise detrimental to the public welfare. By allowing a reduction of required parking spaces, the site will not be able to properly accommodate the proposed square footage for the Retail Sales Use as indicated by the Applicant.

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

a. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

PLANNING DIVISION COMMENTS:

○ *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Prior Future Land Use Amendments:* A portion of the site was the subject of a prior County initiated future land use amendment known as Commercial Categories Com Cat. 58c (Ordinance 2001-087), which changed the future land use designation from Commercial with an underlying 8 units per acre (C/8) to Commercial High with an underlying 8 units per acre (CH/8) without conditions.

○ *Relevant Comprehensive Plan Policies:* Multiple policies within the plan either encourage or require pedestrian and vehicular interconnectivity (also known as cross access) between parcels to reduce traffic impacts on roads and provide for alternative and efficient means of movement between similar and complimentary land uses. Accordingly, the request includes a future cross access to the adjacent parcel to the north of the subject site consistent with FLUE Policy 4.3-g which states that similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances and vehicular cross access within and between sites.

Additionally, FLUE Policy 1.2-b indicates that the County “shall encourage and support sustainable urban development, including restoration, infill, and adaptive reuse”. This project represents “infill” which is typically regarded as the development of vacant, underutilized, or abandoned parcels in otherwise built-up areas of the unincorporated Urban/Suburban Tier.

○ *Intensity:* The intensity proposed is within the allowable Floor Area Ratio limitations as found in Table 2.2-e.1 in the Comprehensive Plan s Future Land Use Element (FLUE). The request for 10,640 square feet (sq. ft.) equates to a FAR of approximately 0.20 (10,640 sq. ft. / 52,000 surveyed sq. ft. or 1.19 acres = 0.20). The maximum Floor Area Ratio (FAR) of 0.50 is allowed for the CL future land use designation in the Urban/Suburban Tier (52,000 sq. ft. or 1.19 acres x 0.50 maximum FAR = 26,000 sq. ft. maximum).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any Special Overlay Districts, Neighborhood Plans, or Planning Study Areas.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code*

The subject site is currently zoned Neighborhood Commercial (CN) which is consistent with the Future Land Use (FLU) designation of Commercial Low with and Underlying Residential Low (CL/1) Community Commercial (CC) is consistent with the existing Commercial Low with an Underlying Residential Low (CL/1) FLU pursuant to Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. As the site is rezoning to a Standard Zoning District, no use is proposed at this time. The subject site is currently vacant.

o *Property Development Regulations:* As proposed, the property meets the requirements as indicated under Table 3.D.1.A Property Development Regulations for minimum lot dimensions of 1 ac., 100 ft. of width and frontage, and 200 ft. of depth.

o *Conditional Overlay Zone (COZ):* The purpose of a COZ is to modify or restrict the use and site development regulations authorized in the underlying Standard Zoning District to prevent, minimize, or mitigate adverse impacts upon the surrounding land uses. In application of the COZ, the BCC shall find that the proposed Rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district:

1. Potential impact to surrounding land uses requires mitigation;
2. Compatibility will be furthered between the requested zoning district and adjacent zones if uses and PDRs are modified.
3. Intensity limits reflect available capacity of public facilities.

Although the Applicant is not proposing a use at this time, the Planning and Engineering Division has determined that the proposal may be affected by the reasons indicated above thus necessitating the COZ. Proposed Conditions of Approval that need to apply to the proposed rezoning will ensure that potential impact to surrounding uses are mitigated, compatibility is furthered between the adjacent zoning districts, and will ensure the capacity of public facilities.

For this reason the Planning Division is proposing four Conditions of Approval and the Engineering Division is also proposing four Conditions of Approval. These can be found in Exhibit C-2 of this report.

c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The subject site is adjacent to Community Commercial (CC) to the north and General Commercial (CG) to the south. The zoning district to the west is Residential Estate (RE) and to the west of the subject site and Military Trail is Multifamily Residential (RM). The CC zoning district is consistent with the future land use, it is located on an arterial or collector roadway; and, its purpose and intent is to service residents within a three to five mile radius. The site has a mix of commercial zoning districts from Commercial Specialized (or Commercial High Office) and General Commercial surrounding the subject site. The proposed zoning amendment is generally consistent with existing uses and surrounding zoning districts. The commercial structures to the north are generally placed on their lots further from the residential properties to the west, and include office uses on many of the sites. However, the subject site's proposed retail use required the building to be set further towards the west, closer to the residents, to accommodate the proposed trucks to service the retail use. The applicant proposes a 30 foot rear building setback, 20 foot Type 2 Incompatibility buffer, and 6 foot concrete panel wall in order to mitigate compatibility concerns with the residential neighbor to the west.

d. Effect on Natural Environment – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

- o *Vegetation Protection:* The application request does not impact native vegetation. However, the site supports native vegetation that is regulated by Article 14.C. and the project will be required to obtain a Protection of Native Vegetation Approval from the Department of Environmental Resources Management during the applicable PZB process as outlined in the ULDC, Article 14.C.7.C.
- o *Wellfield Protection Zone:* This property is not located within a Wellfield Protection Zone.
- o *Irrigation Conservation Concerns and Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater

discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

e. Development Patterns – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The surrounding areas consist of mainly commercial and residential zoning districts. A commercial corridor currently exists along North Military Trail with an existing Community Commercial (CC) zoning district to the north and an existing General Commercial (CG) zoning district to the south of the subject site. The Future Land Use for the existing Commercial Corridor along North Military Trail is Commercial Low (CL/1) with an underlying Residential Low (LR-1) and is consistent with the proposed zoning district. The proposed amendment from Neighborhood Commercial (CN) to General Commercial (CC) will result in a logical, orderly, and timely development pattern with the adjacent properties.

f. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

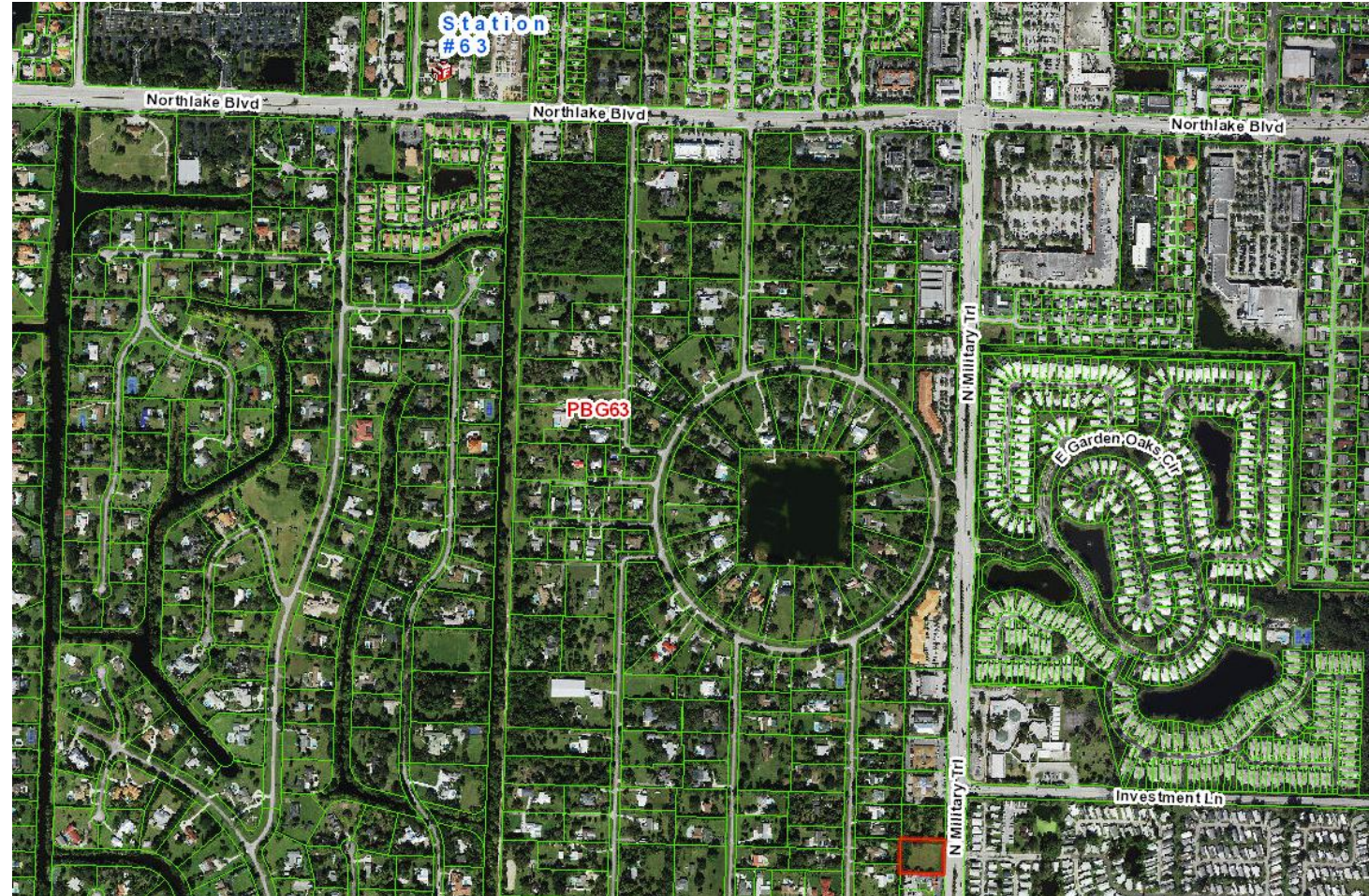
The proposed retail development project is expected to generate 508 net daily trips, 4 net AM peak trip, and 40 net PM peak hour trips. The build out of the project is assumed to be by 2025.

The project will have an insignificant impact (as per definition of the Traffic Performance Standards) on the surrounding roadways. No roadway improvement is necessary. A northbound left turn lane on Military Trail at the existing full median opening, serving as access to the project, will need to be constructed by the Property Owner.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION: Staff has reviewed this application and have no comment. The subject site is located within the boundaries of PBC Fire Station #63.



SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

This is a non-residential application and therefore the Parks and Recreation ULDC requirements do not apply.

g. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The areas surrounding the subject site along the North Military Trail corridor, indicate areas designated for commercial uses. Both the existing CN and proposed CC zoning districts are consistent with the future land use designation; however, the CN Zoning District does not accommodate the desired use by the applicant. The CN Zoning District is capped by the ULDC Article 4 to a maximum of 3,000 square feet of gross floor area per establishment, and the proposed single tenant 10,640 square foot retail use would not be allowed without the rezoning to CC. The applicant proposes to meet the Changed Conditions or Circumstances Standard by the justification statement indicating that *“the applicant has recently purchased additional land to create a commercial development opportunity for the Military Trail corridor. The proposed retail sales use would better serve the site and remain consistent with the impact and intensity of the surrounding uses.”*

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.E.6 and has determined that the request does not satisfy all of the standards, and is therefore **recommending denial** of the Type 2 Variance to reduce the required parking by 15 spaces. Should the Zoning Commission find that the requests meet the Standards of Review for the Type 2 Variances, Staff recommends it be subject to the Conditions of Approval as indicated in Exhibit C-1.

Staff has evaluated the Applicant’s justification and responses for Standards a-g of Article 2.B.7.B.2, and has determined that the need of the requested change balanced the potential impacts generated by the request. Therefore, Staff is recommending approval of the request subject to the Conditions of Approval in Exhibit C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Type 2 Variance Acreage – 1.19 acres

VARIANCE

1. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO:ZONING-Zoning)
2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG PERMIT: BLDG - Zoning)
3. The Development Order for this Variance shall be valid till March 2, 2024, a period of one year from the date of the Zoning Hearing. The Property Owner must secure a Building Permit or Commencement of Development to vest this Variance. (DATE: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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; 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.

CONDITIONS OF APPROVAL

EXHIBIT C-2

Official Zoning Map Amendment With a Conditional Overlay Zone Acreage – 1.19 acres

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2025, 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 construct left turn lane south approach on Military Trail at the existing full median opening at the proposed project entrance. The length of the storage and taper will be as required by the FDOT. The Property Owner shall also meet all the conditions of approval in the Variance Committee approval letter for the driveway, dated November 12, 2021.

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 the final site plan approval, the Property Owner shall record cross access easement for the adjacent properties to the north and south sides. (DRO: MONITORING - Engineering)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement, for the location depicted on the variance exhibit. (DRO: PLANNING - Planning)

2. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall add the Official records book and page number for the recorded cross access easement to the final site plan. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the final site plan. (CO: MONITORING - Planning)

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; 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.

Zoning Commission
Application No. ZV/Z-2022-00534

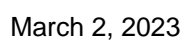


Figure 2 – Zoning Map

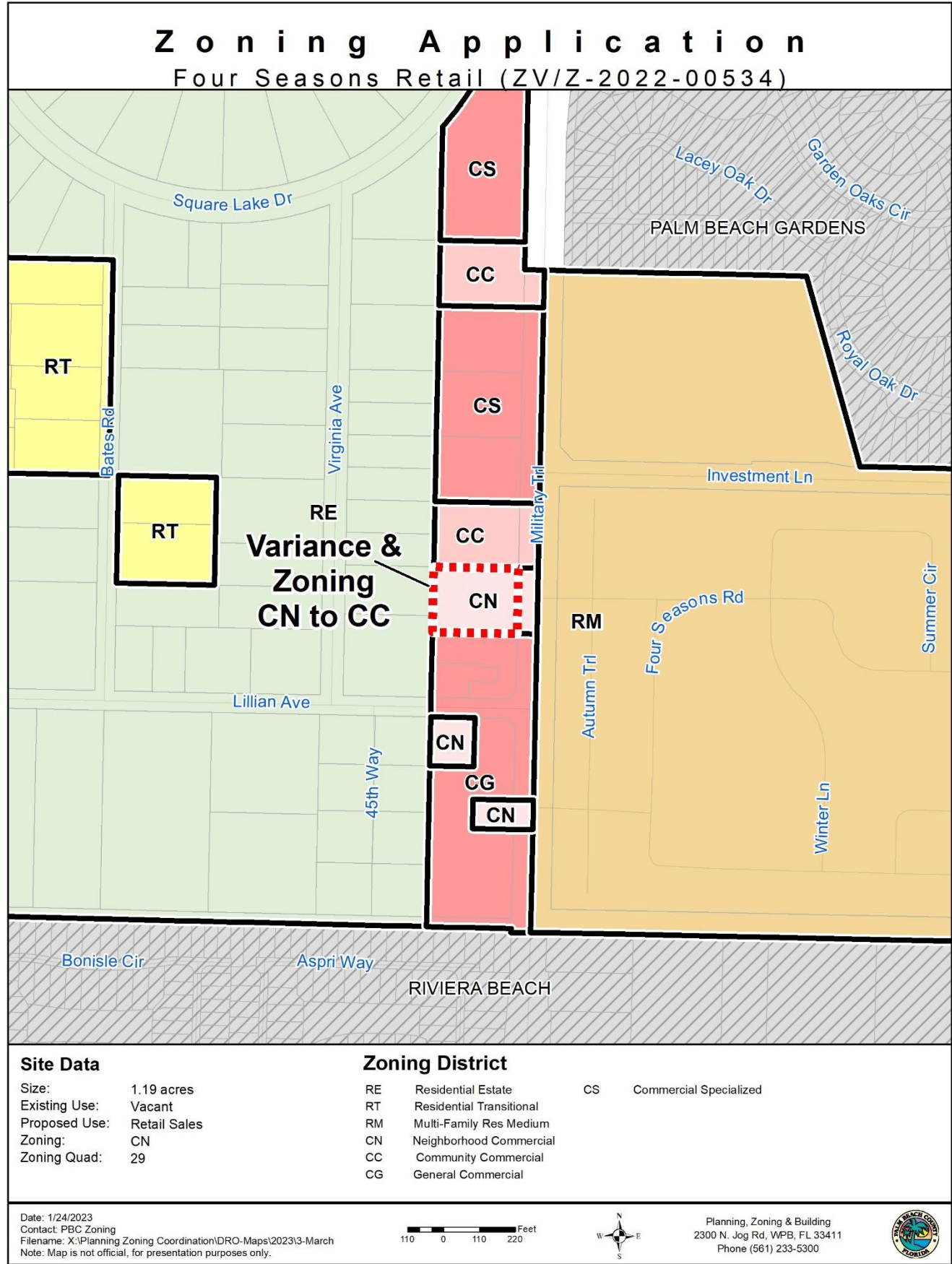


Figure 3 – Variance Exhibit

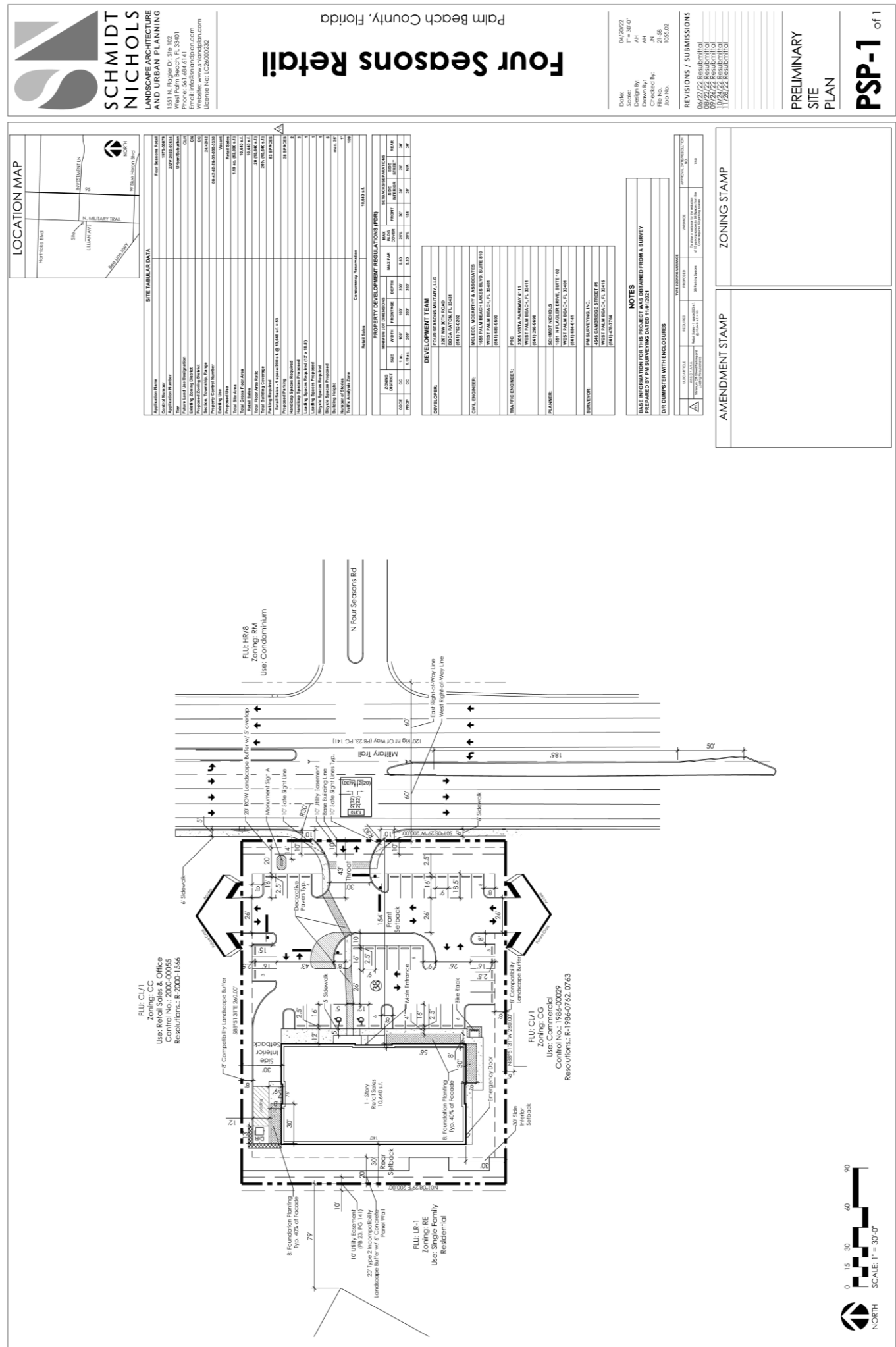


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Alan Sperling, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] MBR _____ [position - e.g., president, partner, trustee] of Four Seasons Military, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 2267 NW 30th Road
Boca Raton, FL 33431
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



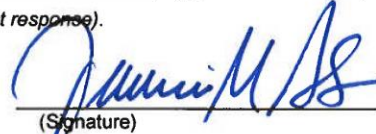
Alan Sperling, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16th day of March, 2022 by Alan Sperling (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Jeanne M. Avalos
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: September 09, 2025

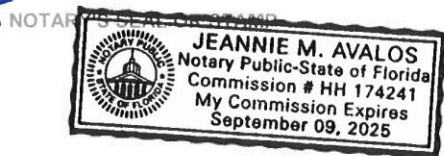


EXHIBIT "A"

PROPERTY

LOT 33, LESS THE EASTERLY 10 FEET FOR MILITARY TRAIL AS RECORDED IN O.R. BOOK 2651, PAGE 1905, SQUARE LAKE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 141, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	
Alan Sperling	2267 NW 30th Road, Boca Raton, FL 33431	100%



**Justification Statement
Four Seasons Retail
Palm Beach County (PBC) Submittal
Rezoning Submittal and
Type 2 Zoning Variance (Concurrent)
Original Submittal: April 20, 2022
Resubmittal: June 27, 2022
Resubmittal: August 22, 2022
Resubmittal: September 26, 2022
Resubmittal: October 24, 2022
Resubmittal: November 28, 2022**

Request

On behalf of the Applicant, Four Seasons Military, LLC (“Applicant”), Schmidt Nichols respectfully requests your consideration for a Rezoning application and Type 2 Zoning Variance application for the project known as Four Seasons Retail. The 1.19-acre subject property (PCN: 00-42-42-24-01-000-0330) is located at north of Lillian Avenue, west of N Military Trail in unincorporated Palm Beach County (“subject property”). The proposed plan of development is a 10,640 s.f. retail sales building and associated site improvements with a buildout year of 2025 based on the traffic study. Access to the site is proposed via one full-access driveway on Military Trail and a cross driveway access to the retail sales & office site to the north and commercial site to the south of the site. A concurrent Final DRO application will also be process in the forthcoming submittal for the proposed retail sales use, enabling this application to proceed.

Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial Low, With an Underlying LR-1 (CL/1) and falls within the Urban/Suburban (U/S) Tier according to the Growth Management Tier System Maps outlined in the Comprehensive Plan Future Land Use Element. The subject parcel is currently within the Neighborhood Commercial (CN) Zoning District.

The applicant requests consideration of the following applications:

- Request 1: Rezoning Application** from Neighborhood Commercial (CN) to Community Commercial (CC) District on 1.19 acres
- Request 2: Type 2 Zoning Variance Approval** for the reduction of 15 parking spaces to 38 Spaces from the Code required 53 parking spaces

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Site Aerial

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property (Proposed)	Retail Sales	CL/1	CN (Proposed CC)
North	Vacant (Approved Retail Sales & Office)	CL/1	CC
South	Commercial	CL/1	CG
East	Condominium	HR/8	RM
West	Single-Family Residential	LR-1	RE

History

There is no prior development history on the subject site.

Code Enforcement Violations

There are no code enforcement violations associated with the subject site.

Architecture

The project architecture will be compatible with the prevalent commercial theme in the area, being pragmatic in design and utilizing simple, but effective architectural details and elements as follows: recesses and projections, use of decorative moldings, and reveals and score lines. Architecture will be reviewed for Article 5.c consistency at time of building permit review.

Request 1: Rezoning Request Standards:

Pursuant to Article 2.B.7.A.2, when considering an application for Rezoning to a Standard Zoning District with or without a COZ, the BCC and ZC shall utilize Standards a through g indicated below. An amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved

A. Consistency with the Plan – The proposed amendment is consistent with the Plan

Response:

- *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Intensity:* The request for 10,640 square feet equates to a FAR of approximately 0.20 (52,000/ 10,640 surveyed square feet or 1.19 acres = 0.20). The maximum Floor Area Ratio (FAR) of .50 is allowed for the CC future land use designation in the Urban Suburban Tier (52,000 surveyed square feet or 1.19 acres x .50 maximum FAR = 26,000 square feet maximum).
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any Special Overlay Districts/ Neighborhood Plan/Planning Study Areas.

B. Consistency with the Code - The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

Response:

- **Article 3: Overlays and Zoning Districts** –The proposed use meets the intent of ULDC Table 3.D.1.A, Property Development Regulations, in that the site plan:

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- Meets the minimum lot size of 1 acre (1.19 acres provided), minimum width and frontage of 100 feet (200 feet of frontage on Military Trail), and minimum depth of 200 feet (260 feet of depth provided) for CC zoning district;
 - Does not exceed the maximum building coverage of 25% for CC (20% building coverage provided);
 - Does not exceed the maximum FAR of .50 for CC (.20 FAR provided);
 - Meets the minimum setbacks for CC as follows:
 - Front: 30 feet (154 feet provided)
 - Side: 30 feet (30 feet provided)
 - Side Street: 20 feet (N/A feet provided); and
 - Rear: 30 feet (30 feet provided)
- **Article 4: Use Regulations:** The proposed Use is consistent with Article 4 as it relates to the use regulations, specifically in Article 4.
- The requested Retail Sales use is a permitted by right use approval in the proposed CC zoning district pursuant to ULDC Table 4.B.2.A, Commercial Use Matrix.

The majority of the criteria in Article 4.2.C.25 is not applicable to the proposed development. Please refer to the applicable criteria as listed below.

35. Retail Sales

a) Definition:

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another Use Type.

Response: Complies.

b) Typical Uses:

Retail Sales may include but are not limited to clothing stores, bookstores, business machine sales, food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto accessories and parts, building supplies and home improvement products, monument sales, printing and copying, pharmacies, and medical marijuana dispensing facilities. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, and mopeds

Response: Complies.

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c) Zoning Districts:

1. CN District:

Shall be limited to a maximum of 3,000 square feet of GFA per establishment

Response: Complies. The applicant is rezoning from the CN Zoning District to the CC Zoning District.

➤ **Article 5: Supplemental Regulations:**

- *Architectural Review:* The proposed Use is consistent with Article 5 Supplementary Use Standards. The applicant will submit the preliminary architectural plans (elevations, floor, roof) for review to be in compliance with Article 5.C at time of building permit.

➤ **Article 6:** The proposed development is consistent with Article 6 Parking, specifically the following:

The proposed development meets the standards listed in ULDC Art.6, Parking, as follows:

- Per ULDC Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, the project will NOT provide the minimum off-street parking spaces for the uses as follows:

Parking Required: 53 Spaces

Retail Sales - 1 space/200 s.f. @ 10,640 s.f. = 53

Proposed Parking: 38 Spaces (see proposed Type 2 Variance on page 12)

- Per ULDC Table 6.A.1.D, Parking Space for Persons Who Have Disabilities, the proposed amendment meets the required spaces for persons who have disabilities as follows:

Handicap Spaces Required: 2 Spaces

Handicap Spaces Provided: 3 Spaces

Bicycle Spaces Required: 1 Space

Bicycle Spaces Provided: 5 Spaces

Loading Spaces Required (12' x 18.5'): 1 Space

Loading Spaces Provided: 1 Space

➤ **Article 7:** The proposed use is consistent with Article 7 Landscaping, specifically the following:

- *Landscape/Buffering:* A 20' ft. R-O-W buffer has been provided along Military Trail, in accordance with ULDC Table. 7.C.2.A, Width

of RO-W Buffer.

- Further, the PSP indicates an 8 ft. Compatibility Buffer along the north and south property line and a 20' Type 2 Incompatibility Buffer along the west property line (commercial uses abutting residential uses) in accordance with ULDC Table 7.C.2.C, Incompatibility Buffer Landscape Requirements. In addition to Landscape Buffers, Foundation Plantings have been provided along the north, south, and east sides of the structure. The foundation planting on the east side of the building provides additional landscaping along Military Trail.
- The Preliminary Tree Disposition Plan provides a total of 8 trees to be preserved on site in their existing location. All other vegetation will be removed or relocated.
- **Foundation Planting:** Per Table 7.C.3.B. Foundation Planting and Dimensional Requirements, foundation planting shall be provided for 40% of the front and side facades of non-residential and residential buildings:
 - **Building A (Warehouse)**
 - **North (Side) Building Façade (76')**
 - Required: $76' \times 40\% = 30'$
 - Provided: 30'
 - **East (Front) Building Façade (140')**
 - Required: $140' \times 40\% = 56'$
 - Provided: 56'
 - **South (Side) Building Façade (76')**
 - Required: $76' \times 40\% = 30'$
 - Provided: 30'
- **Article 8:** The proposed development is consistent with Article 8 Signage, specifically the following:
 - The Applicant has submitted a Preliminary Master Sign Plan (PMSP-1). Per ULDC Table 8.G.2.A, Freestanding Sign Standards, the project is currently proposing one (1) freestanding monument sign along Military Trail and wall signage along the north, east, and south building facades and will comply with the standards for the U/S Tier
 - Maximum Sign Area (per lineal ft. of frontage): 1.0 sq. ft.
 - Maximum Sign Area (per individual sign): 200 sq. ft.
 - Minimum Setback: 5'
 - Per ULDC Table 8.G.1.A-4, Wall Sign Standards, the project is proposing wall signage along the north, east, and south façades of the proposed building, which is in compliance with the standards for the U/S Tier:

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- **Maximum Sign Area:**
 - 1.0 square feet for each lineal foot of the front wall to which the sign is attached;
 - West Façade Length = 140 l.f. (Max 140 s.f.)
 - 0.5 s.f. along any of the remaining sides of the building or 0.25 s.f. adjacent to a residential zoning district or use
 - North Façade Length = 76 l.f. (Max 38 s.f.)
 - South Façade Length = 76 l.f. (Max 38 s.f.)

C. Compatibility with Surrounding Uses – The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district

Response: The proposed use will be compatible with surrounding uses. The overall area surrounding the subject lands are designated for commercial uses and support commercial uses. To the north and south are existing commercial developments, to the west is existing single-family residences, and to the east is Military Trail.

As described under the Landscape/Buffering section above, the site will provide an 8 ft. compatibility landscape buffer along the north and south property line, 20 ft. Type 2 Incompatibility landscape buffer along the west property line with a 6' ht. concrete panel wall, and a 20' ROW landscape buffer along the east property line to provide visual buffering from Military Trail and neighboring uses.

D. Effect on the Natural Environment– The proposed amendment will not result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment

Response: The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Additionally, there are no listed species on site. The subject property does not contain any wetlands or wildlife habitat.

VEGETATION PROTECTION: The Preliminary Tree Disposition Plan provides a total of 6 trees to be preserved on site in their existing location. All other vegetation will be removed or relocated.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

E. Development Patterns – The proposed amendment will result in a logical, orderly, and timely development pattern.

Response: The overall area surrounding the subject lands are designated for commercial uses. The development patterns along Military Trail are generally commercial. The proposed retail sales use is an appropriate use based on both the land uses in the general vicinity, and the existing uses surrounding the subject site.

F. Adequate Public Facilities - The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).

Response: There would not be adverse impacts on public facilities related to the proposed development:

Traffic: Attachment 2 of the Traffic Study provides the Daily and Peak Hour trip generation for the proposed use. Based on the net increase in peak hour trips of 40, the radius of development influence is one-half mile. Attachment 3A provides the project traffic assignment on the surrounding roadway links. The maximum percent impact on the study area roadways is 0.47% as shown on Attachment 3B. The project impact is below 1% of the adopted LOS D service volume, representing an insignificant Test 1 impact to area roadways. The project does not have a Test 2 impact. Therefore, the proposed project is in compliance with the Palm Beach County Traffic Performance Standards. See Traffic Generation Statement prepared by PTC.

Potable Water & Wastewater: Water and sewer is available to site. Potable water and wastewater lines run within the right-of-way of Military Trail and capacity from the Palm Beach County Water Utilities Department (PBCWUD) will need to be confirmed through a Standard Potable Water and Wastewater Development Agreement

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(SDA). Traffic capacity is available based on the proposed uses.

Drainage: The site is planned for a 10,640 s.f. commercial retail building with associated vehicular/parking areas. The site is located within South Florida Water Management District's (SFWMD) C-17 drainage basin with an allowable discharge rate of 62.7 ft³/mi². The parcel is surrounded by existing developments with no known drainage easements serving the subject property and is bounded to the east by N. Military Trail, a Florida Department of Transportation (FDOT) maintained right-of-way. Therefore, legal positive outfall will be by overflow to FDOT right-of-way following on-site flood attenuation and water quality treatment. This segment of N. Military Trail discharges via a stormsewer system to the NPBCID EPB-6 Canal.

PARKS AND RECREATION: This is a non-residential project, therefore Park and Recreation Department ULDC requirements do not apply.

G. Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

Response: The applicant has recently purchased additional land to create a commercial development opportunity for the Military Trail corridor. The proposed use will be compatible with surrounding uses. All lands surrounding the subject site support commercial uses. The site is currently undeveloped. The proposed retail sales use would better serve the site and remain consistent with the impact and intensity of the surrounding uses.

Request 2: Type 2 Variance Request:


Per Unified Land Development Code (ULDC) Art.2.B.7.E.6, Standards for Zoning or Subdivision Variance, The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance.

In order for the subject site to obtain their conceptual full access driveway approval for the proposed access on Military Trail FDOT, the applicant is providing a cross access easement with the adjacent properties to the north and south. Due to this requirement, the subject site would be treated as if it were an MUPD, which would require 43 parking spaces (1 space/250 s.f. @ 10,640 s.f.).

In this scenario that cross access would not be required, the site plan yields 45

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parking spaces onsite thereby complying with this requirement. Furthermore, it has been determined that the proposed 45 parking spaces (with no cross access requirement) would fall within the maximum 15% parking reduction threshold per ULDC Art.6.C.1.A.1.A, thereby removing this variance request and being treated as a Type I Waiver.

TYPE 2 ZONING VARIANCE				
	ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE
	Art.6.C.1.A.1.A Minimum Off-Street Parking and Loading Requirements	Retail Sales - 1 space/200 s.f. @ 10,640 s.f. = 53	38 Parking Spaces	To allow a variance for the reduction of 15 parking spaces to 38 Spaces from the Code required 53 parking spaces
				APPROVAL DATE/RESOLUTION NO. TBD

VIII. VARIANCE INFORMATION:

The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

TYPE II VARIANCE SEVEN (7) STANDARDS

A. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

RESPONSE: Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district.

Furthermore,

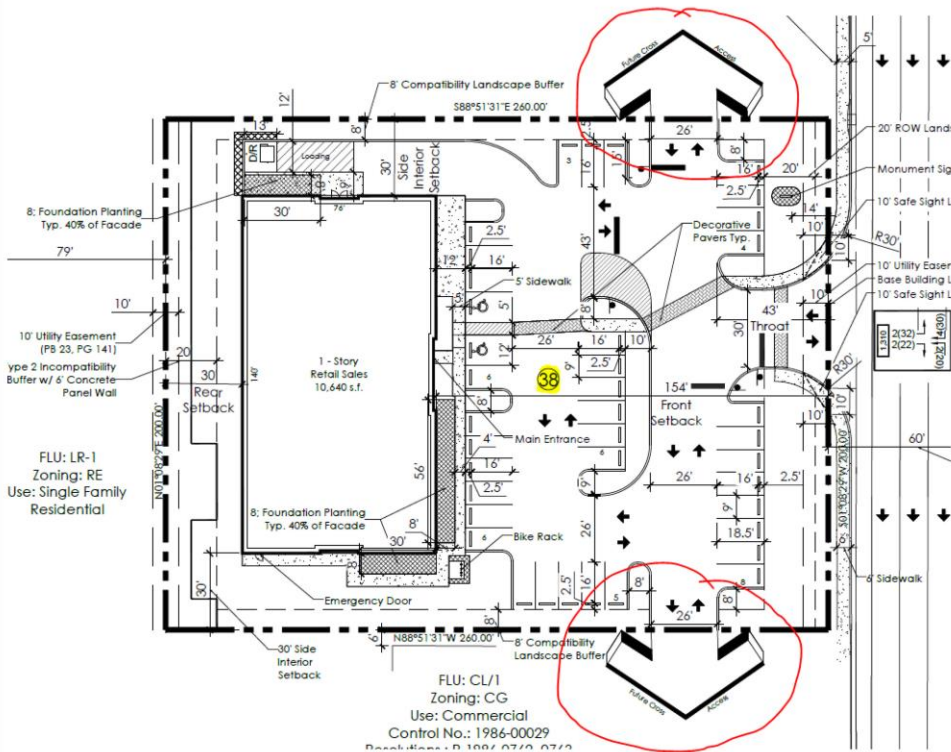
V1: The applicant was required by FDOT to provide a cross access easement with the adjacent properties to the north and south in order to obtain their conceptual full access driveway approval for the proposed access on Military Trail as circled below in "red". The Applicant is requesting a reduction of 15 parking spaces to 38 Spaces from the Code required 53 parking spaces. The diagram below illustrates the proposed 38 parking spaces onsite. If the cross access points were not required the site could meet the waiver reduction for parking.

Parking Required	53 SPACES
Retail Sales - 1 space/200 s.f. @ 10,640 s.f. = 53	
Proposed Parking	38 SPACES

The Applicant has provided a Reduced Parking Study, which indicates the County's parking rate for general retail is 1 space per 200 SF. For a 10,640 SF

store, the required parking would be 53 spaces. However, this is not a general retail store. This is a Dollar General Store, which is ITE Land Use Code 814, Variety Store.

The proposed development is considered as a Variety Store per ITE Land Use Code 814, which requires a maximum of 19 spaces for this site. The proposed Site Plan is providing 38 spaces. This equates to a rate of 1 space per 280 SF, or 3.6 spaces per 1000 SF. There are several other Dollar General Stores in Palm Beach County with similar intensities and parking spaces. Details of three locations are attached in the Reduced Parking Study. The parking provided at these locations are a maximum of 1 space per 276 SF, or 3.6 spaces per 1000 SF. Therefore, the proposed 38 spaces are determined to be adequate to serve this Dollar General Store.



In order for the subject site to obtain their conceptual full access driveway approval for the proposed access on Military Trail FDOT, the applicant is providing a cross access easement with the adjacent properties to the north and south. Due to this requirement, the subject site would be treated as if it were an MUPD, which would require 43 parking spaces (1 space/250 s.f. @ 10,640 s.f.).

In this scenario that cross access would not be required, the site plan yields 45

parking spaces onsite thereby complying with this requirement. Furthermore, it has been determined that the proposed 45 parking spaces (with no cross access requirement) would fall within the maximum 15% parking reduction threshold per ULDC Art.6.C.1.A.1.A, thereby removing this variance request and being treated as a Type I Waiver.

B. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

RESPONSE: There are special circumstances and conditions that apply that are not a result of actions by the applicant.

Furthermore,

V1: Special circumstances and conditions do not result from the actions of the Applicant. The conditions by which the variance is created is based on the applicant was required by FDOT to provide a cross access easement with the adjacent properties to the north and south in order to obtain their conceptual full access driveway approval for the proposed access on Military Trail. Because of this, the proposed parking reduction variance is required. If the applicant was not required to provide cross driveway access, this variance would not have been necessary.

C. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

RESPONSE: Granting the variance will not confer any special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

Furthermore,

V1: This variance does not confer special privilege it only allows for the reasonable development of the property with parking that is seen as acceptable within the market. Parking variances are granted based on a needs assessment and the County's ULDC is higher than other municipalities for retail uses.

D. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN

THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

RESPONSE: Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district and would work an unnecessary and undue hardship.

Furthermore,

V1: Literal interpretation and enforcement of the terms and provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship. The literal interpretation of the Code would require the applicant to provide 53 parking spaces onsite (Retail Sales - 1 space/200 s.f. @ 10,640 s.f.). The Applicant is requesting to reduce the required parking by 15 parking spaces to 38 spaces from the code required 53 parking spaces. Based on the nature of the proposed development with regard to demographics, the location of the development, the proposed parking as shown is anticipated to be adequate to meet the demands of the development. The developer of the proposed project has completed similar successful developments and has found that parking provided is adequate to meet the parking demands of the development.

E. GRANTING THE VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

RESPONSE: Granting these variances are the minimum needed for the reasonable use of the property.

Furthermore,

V1: Granting of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. The granting of the landscape buffer variance is the minimum needed to make reasonable use of the property for the proposed retail sales use.

The Applicant has provided a Reduced Parking Study, which indicates the County's parking rate for general retail is 1 space per 200 SF. For a 10,640 SF store, the required parking would be 53 spaces. However, this is not a general retail store. This is a Dollar General Store, which is ITE Land Use Code 814, Variety Store. Attached is an excerpt from the ITE Parking Generation Manual, 5th Edition. A comparison of parking calculations is provided below:

Land Use	Intensity	Parking Rate	Source	Parking Spaces
General Retail	10,640 SF	1 sp / 200 SF	Palm Beach County	53
Variety Store	10,640 SF	1.13 sp / 1000 SF	ITE* Average Rate	12
Variety Store	10,640 SF	1.79 sp / 1000 SF	ITE* 85 th Percentile Rate	19

* ITE, Parking Generation Manual 5th Edition, Code 814.

The proposed development is considered as a Variety Store per ITE Land Use Code 814, which requires a maximum of 19 spaces for this site. The proposed Site Plan is providing 38 spaces. This equates to a rate of 1 space per 280 SF, or 3.6 spaces per 1000 SF. There are several other Dollar General Stores in Palm Beach County with similar intensities and parking spaces. Details of three locations are attached to the Reduced Parking Study. The parking provided at these locations are a maximum of 1 space per 276 SF, or 3.6 spaces per 1000 SF. Therefore, the proposed 38 spaces are determined to be adequate to serve this Dollar General Store.

F. GRANTING THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

RESPONSE: Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

Furthermore,

V1: Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code. Granting the applicant a reduction of 15 parking spaces to 38 Spaces from the Code required 53 parking spaces will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

G. GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

RESPONSE: Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

Furthermore,

V1: The proposed variance will not be injurious to the area involved or

detrimental to the public welfare. The proposed variances will not be injurious to the surrounding properties as they are generally commercial in nature. The proposed variance will not be injurious to the area involved or detrimental to the public welfare.

On behalf of the Applicant, Four Seasons Military, LLC, Schmidt Nichols respectfully requests your approval of these Rezoning and Type 2 Zoning Variance applications for Four Seasons Retail.

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